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PLACITA ANGLO-NORMANNICA:

LAW CASES

FROM WILLIAM I. TO RICHARD I.

PRESERVED IN HISTORICAL RECORDS.

BY

MELVILLE MADISON BIGELOW,

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PREFACE.

In the investigation, several years ago, of the English forms of action in tort from the time of Bracton, for the writer's Leading Cases on Torts, the importance of a careful study of the litigation, and especially of the writs, of the Norman and sub-Norman time became very manifest; and the determination was then made to thoroughly explore the records of the age. The first-fruits of the undertaking are now offered to the student.

The present volume embraces substantially all the recorded temporal, and a few ecclesiastical, litigations of the great period which begins with the Norman Conquest and ends with the beginning of the reign of Richard I. A few cases of the first half of Richard's reign are given, so as to make connexion with the Rotuli Curiæ Regis, which begin with the sixth year of that reign, and thus to complete the series of English Law Reports from the time of the Conquest. The volume is not a selection of cases, but contains all of a temporal nature that are of value in the known legal monuments of the period. A few cases have, indeed, been omitted; but only because they were either clearly the spurious records of later times, or were manifestly incomplete.

Of the first class are the litigations narrated in the false Ingulf's Chronicle of Crowland; and the editor

may be thought to have erred in not excluding the case of Edwin *v.* William, p. 1, as properly coming within this class. See 1 Brady, History of England, 12, 270; 1 Ellis, Introd. to Doomsday, 56, 57 (ed. 1833). But without relying upon the entire faithfulness of the record of the case, or upon the fact that it has been treated as a genuine monument by Spelman, Coke, Dugdale, and Wilkins, it was thought best to print it. The account presents a typical view of the new procedure in England, and this directly, as it professes, after the establishment of the Norman power. The plaintiff offers proof of his claim in the common formula, "as the king may direct;" and the king directs an inquisition,—the procedure which he had just brought from the Continent. And with regard to the claim itself, it is in perfect keeping with the policy of the Conqueror to conciliate and protect such as had not taken up arms against him, and were not likely to be dangerous subjects. To this extent the record may be trusted, whatever the truth may be as to the time when it was made up, or as to the parties who figure in it. For no other purpose is it introduced in this book.

Two difficulties arise with regard to the case in other aspects. The record states that the king issued a general writ in favour of all who, like Edwin, had maintained neutrality in the contest with Harold, commanding that their lands should be restored to them if wrongfully held, "and that they should thereafter be called Drengs." If this was intended to suggest the origin of dreng service, it is not entitled to credit. This species of allodial tenure, for such it appears to have been, was of Danish-Norse origin, and even in England probably antedated the Conquest. Professor Stubbs quotes a

passage from Elton's Tenures of Kent, pp. 68, 69, to that effect. "Quia vero non erant adhuc tempore regis Willelmi [primi] milites in Anglia, sed *threnges*, præcepit rex ut de eis milites fierent ad terram defendendam." 1 Stubbs, Const. Hist. 262, note.

Nor is it true that all or any considerable part of those who had stood aloof from the war became drengs. There are very few references in Doomsday—not half a dozen—to dreng service; and what is quite to the point, no drengs are mentioned in any of the various references to Sharnburn, the seat of Edwin and his associates. However, this fact does not tell generally against the record in question, since in a subsequent part of it, not used in this book, it is stated that the king's writ was not obeyed by the defendants. Indeed, it is not impossible that the author of the Sharnburn record merely mistook the purport of the writ of execution in the case, and that this simply directed that Edwin and his associates should receive their lands again and hold them as dreng tenants.

Brady, however, has another objection to the case, and finding it in the way of one of his arguments, as he mistakenly supposes, hotly rejects it altogether. After palpably misrepresenting Camden as denying its genuineness (Britannia, p. 480, ed. 1637), he assigns as his own reason for rejecting the document the fact that no such name as Edwin or William, the butler, occurs in Doomsday for Norfolk. But the case in question is represented to have occurred directly after the Conquest, that is, nearly twenty years before the making of the great survey; and the MS. expressly states that Edwin died in the time of the Conqueror, apparently before the survey. One of the chief parties to the litigation, the

great earl, William de Warrena, does, moreover, appear in Doomsday as holding land in Sharnburn. Vol. ii. p. 167. However, the student is now sufficiently put upon his caution concerning the case; and after this, the editor is quite willing to let the record stand in his book, as a late account of some early case.

The writs of Tewksbury Abbey, 2 Monasticon, 67-83 (ed. 1846), are an example of the other class of omitted cases above referred to. Very few of these, however, would be of special value, even if perfect. They are all fairly represented by other writs here given. To this class belong also cases dismissed with a mere statement of sentence or judgment pronounced or executed; as in the well-known instance of the hanging of forty-four thieves by Ralph Basset, referred to in the Anglo-Saxon Chronicle, *anno* 1124.

But the editor has endeavoured to make a complete collection of records of litigation only; the book is in no sense intended as a Codex Diplomaticus, and all charters and documents not relating to litigation have been excluded. Many of the extracts from Doomsday can hardly, perhaps, be termed "cases," but all of those presented illustrate some phase of the procedure or substantive law of the period; and this fact is deemed sufficient justification for publishing them. In the Appendix will be found all the rest of the disputed claims reported in Doomsday, so far as they bear upon the history of law or litigation. Considerable portions of two very lengthy cases, together with several writs and records of some legal interest, are also given in the Appendix; and to these is added, for the purpose of ready comparison with writs of the text, a selection of writs from Glanvill.

The present work is intended to aid the student in investigating a department of legal history, and not to teach the history of persons or of general events. Hence the absence of notes concerning such matters. It is a book of Law Reports, and edited accordingly; with such departure only as the nature of the work has made necessary or advisable. Hence an Index of Cases is given, instead of an Index of Names; and the names of parties appear, with their peculiarities and variations, as they stand in the original records.

It is proper to observe in this connexion that the greatest care has been taken to reproduce the original text literally, even to punctuation. This will explain the apparent lack of uniformity of print in this respect. The only liberty taken has been to adopt a uniform style of capitalizing, and to substitute the letter "v" for the letter "u" in such words as "uero" and "clamauit."

It has not been deemed best to add to the expense of the book by translating the text. The Latin is not difficult enough to deter any one from using the book who can use it to good effect. The head-notes will serve as an outline to the cases; and a glossary has been added of such Anglo-Saxon and non-classical Latin terms as may need explanation.

For special features of legal interest attaching to the cases, the student is referred to the Introduction. It should, however, be stated that this is only a fragment, and that the subject of the procedure of the period, with its incidents, is mainly reserved for more extended examination than would be proper in an Introduction. The writer hopes to give to the printer, in the course of the

coming year, the further results of his investigation in this department, in the form of a History of the Anglo-Norman Procedure.

The editor is unwilling to close his work without acknowledgment of the aid and encouragement of friends, both in his own country and in England. The assistance and offers of assistance received in London and Oxford during the last summer deserve particular mention. Memory will not fail of kindness shown at the latter place. To complete the work at the venerable seat of not a little of the litigation which had been the subject of protracted study had been a cherished purpose; and it was most agreeably accomplished.

Boston, Massachusetts,
Dec. 1, 1878.

NOTE.

On p. 52, last line of 2nd paragraph, for "vovissimam" read "novissimam."

On p. 71, last line, *dele* "Pref."

On p. 84, *dele* title "Ecclesiastical."

On p. 123, 7th line from bottom, after "putabant" add "[sic]."

On p. 131, 3rd line from bottom, for "invenire" read "inveniri."

On p. 135, last line, for "1115" read "1117."

INTRODUCTION.

THE statement not infrequently made, or fairly implied, that the common law of England is largely of German origin,[1] must not be understood in the extensive sense in which the English language is truly said to be Teutonic.[2] Every page of our literature bears the stamp of early German origin; or rather every page of it is still German,—the German of Alfred and the Chronicle. The great body of the common law, however, is essentially different from the common law of King Alfred's time. A few scattered remains, such as the right of distraint, and the right of entry to abate a nuisance, or of a disseisee upon a trespasser, and the limited right of recaption, with here and there a little of the ancient colouring, alone reach back in unchanged lines to find their origin in the primitive times of the Germanic or Anglo-Saxon procedure.

Instead of characterizing the present law, as German does the language of England, German law is only one

[1] See Holtzendorff's Encyc. 248 (Leipsic, 1877), article by Brunner.

[2] When Professor Stubbs says that "the common law of a nation is even more certainly than its language a determining evidence of its extraction," he is doubtless to be understood as referring to an early state in the nation's history; and this, indeed, was the fact under notice, calling forth the broad remark. 1 Const. Hist. 48.

of very many elements in it, and not a conspicuous one. It does not lie upon the surface: it must be diligently sought out, if its presence would be discovered. Indeed, nearly all that was typical of ancient German law has entirely disappeared. The ordeal, the duel, compurgation, and wergelds, have all gone; while the great and essential feature of the right of self-redress has so far given way that no statement is more common in the law-books of to-day than that no one has the right to take the law into his own hands.[1] And what remains is obscured by the presence of vastly more extensive elements. Feudalism, distinct from what would have resulted from the relation of lord and man among the Anglo-Saxons, the Roman law, commerce, invention, art, and a thousand potent influences of modern civilization, have added their vast contributions to the English law, and made it mainly what it is, pushing far into the background the ancient German element.[2] The existing law, whether of contracts, torts, real property, equity, or even of crimes, disconnected from intermediate stages in history, would fail, in its characteristic parts, to reveal "the very form and features"[3] of ancient German law,—Salic, Saxon, or Anglo Saxon. Nor do the old codes of the German nations contain the "promise and potency" of the present common law of England. What would hāve been the natural and probable result

[1] A statement, however, to be received with some qualification.

[2] It is hardly necessary to say that, in speaking of the ancient German and the present English law, we refer to what is typical only. The fundamental principles of law, or rather of justice, such, for example, as require a man to pay his debts, and to make compensation for his torts, have, of course, existed in every stage of the history of the race.

[3] See 1 Reeves, Hist. English Law, 53 (Finl. ed.).

of the growth of the Ante-Norman Germanic law in England, could it have been left to develope itself upon internal influences alone, wholly apart from contact from without, it is impossible to say; but it could not have resulted in the common law and procedure of the nineteenth century.

It is true that the external influences which have affected the English law have been largely, though by no means wholly, German; but the most potent by far of all external Germanic influences, the Norman, had itself been modified, to a considerable extent, by non-German or (so to speak) broken-German law. The pure German law of the Anglo-Saxons received in fact a fatal blow at the hands of the Normans.

There are plain indications that the law of Normandy was not wholly free from the influence of the semi-Roman law and civilization of the South of France. The stimulating influence of the better institutions of the South had powerfully affected all the Continental German nations: primitive institutions passed by steady transition into new forms, and new institutions arose by the side of the old. The Normans in France ceased to be Northmen, and became almost as far separated from the Anglo-Danes as from the Anglo-Saxons; and the Norman Conquest became the turning-point in the history of Germanic institutions in England. German law, now shaken, tottered to its fall.

If, however, instead of looking for salient features of German law in the body of the present law of England, we pursue the course of the common law back through the centuries, we shall be able to discern more and more of the old Germanic element; and long before we reach the Anglo-Saxon period, the origin of the whole

law will be manifest from internal evidence. When we reach the twelfth century, or even the first half of the thirteenth, the English law is manifestly German, presenting at first almost as strange an appearance, as compared with the existing law, as does the law of the Anglo-Saxon codes. But examined more closely, the features, dimly outlined, of much that is typical of modern law appear. The tenth and the nineteenth centuries are each discernible. This is the transition period, in which new elements, blending with the old, give promise of the later times.

This period of transition begins with the advent of Norman notions into England and ends with the reign of Edward the First; and the first two-thirds of this period are the time covered by the present work.

The best illustration of the transition state of the Norman and sub-Norman time is to be found in the legal procedure of the period. The typical procedure of the Anglo-Saxons, the ordeal, is joined by the typical procedure of the Normans, the duel, and lingers on and finally, in the thirteenth century, dies out[1] beside it;

[1] The edict of the Lateran Council, *anno* 1215, appears not to have wholly extinguished the ordeal in England. See note, *infra*, p. xvii. There is no mention of trial by battle in any of the Anglo-Saxon codes; but it is scarcely more difficult to account for that fact upon the supposition that it did exist in England before the Conquest, than to account for its presumed non-existence. What prevented its appearance, or caused its early disappearance, in England alone? Trial by combat certainly did prevail, in the feuds among the Anglo-Saxons, but whether *judicial* combat existed is very doubtful. The line between the two is difficult to draw, especially in the earlier times; for judicial combat was only a regulation of the blood-feud, surrounding it with religious sanctions and ceremonies. In the Norse Olaf-Tryggvasonar-Saga, it is said that it was the custom in England to settle disputes between two persons by battle. "Enn thar var sidr á Englandi, ef ii. keptoz um einn lut, at thar skylldi koma til hólm-gánga." And an account of a combat between Olaf

while the newly introduced procedure of the inquisition, soon developing into the possessory and petitory actions of real property law, and at the same time revealing the very features of the jury system, advances steadily to commanding influence and to permanent place. Beside the old purely verbal procedure, the Norman procedure by writ has taken firm root, and forms of action begin to appear, though as yet failing to give promise of the subtleties and conflicts of their later stage.

All the forms of proof in use among the Anglo-Saxons—by ordeal, oath (compurgation, afterwards called wager of law), witnesses and charters,—continued throughout the Norman and sub-Norman period.

The indications above suggested of the decline within the period of this book of the ordeal (or judgment by hot iron, hot or cold water, or the morsel, also commonly called "judicium Dei") are entirely negative. Nothing is directly stated in the chronicles or laws of the time to show the gradual transformation and decay of the typical procedure of the Anglo-Saxon period. But the absence of it in the civil litigation of the later Norman and Angevin time becomes very marked and suggestive. In the time of the Conqueror, the evidences of its frequent use in civil as well as in criminal cases are clear and convincing, both among the English and also among the Normans; though with the latter it had been regarded in Normandy with less favour than the duel, as was still the case in England.[1]

and an Englishman, in England, follows, *anno* 993. But it was not a case of judicial combat; and it probably occurred in the Danish district. See Johnston's Antiquitates Celto-Scandicæ, p. 74.

[1] The great number of cases of the ordeal in Doomsday—the favourite English procedure—is not unworthy of consideration in discussing the extent of the Conqueror's confiscations.

In the time of William I., Bishop Remigius, a Norman, clears himself from a charge of treason by the ordeal of fire, undergone by one of his household, p. 30. The ordeal appears again in the case of Bishop Gundulf *v.* Pichot, p. 34. In the case of Bishop Wulfstan *v.* Abbot Walter, p. 16, the record states that men of St Mary and of the bishop were ready to prove by oath and battle the case of the plaintiff; and it closes with an offer by men of holy orders, priests and deacons, to prove, "judicio Dei," the concord agreed upon.

When, however, we reach the record of Doomsday, the evidences of the use of the ordeal as well as the duel multiply. The ordeal alone is offered in three cases relating to Lands of Earl Ralph, pp. 40, 41; also in two cases of Lands of Earl Alan, pp. 41, 43; in the case of the Church and Land in Greston, p. 41; in the case of Lands of William of Warren, p. 42; in the case of A Certain Freeman, p. 43; and in other cases given in the Appendix C. Proof by oath or battle is offered in the case of Lands of Hugh de Port, p. 38; ordeal or battle (the duel) is offered in cases given on pp, 41, 42, 43, and 61; and proof "omni lege," or "omnibus legibus," which would include oath, ordeal, or battle, is proffered in two cases on p. 44.

In the reign of Rufus, we find William de Ou, p. 69, tried by battle upon a charge of treason, and Fifty Men, p. 72, purging themselves by the ordeal of iron of the charge of unlawfully taking the king's stags.

In the 31st year of Henry I., we find Robert Fitzgerard, p. 141, paying into the king's treasury two ounces of gold for the privilege of recovering his lands "per corpus suum;"—not, it should be observed, for the privilege of that mode of proof, but for the right of

proving his title, that is, for the *purchase* of his writ. In the same year Matthew de Vernon, p. 142, pays a hundred measures of wine for the concord of a duel.

In this reign of Henry I., there is an absence in the *cases* of any allusion to the ordeal. It would, however, be unsafe to rely upon that fact, even if there were no satisfactory evidence upon the point. A legal institution so deeply seated would not at once disappear without prohibitive legislation, of which as yet there was none relating to the ordeal; nor indeed was there ever any such legislation in England.[1] But the so-called Laws of Henry I., a private collection of laws and customs made just before or at the beginning of the reign of Henry II., expressly affirm the continued existence of the ordeal.[2] For instances of the duel about the same time see the case of The Hordarer of Winchester *v.* Abbot Ingulf, p. 182, and the case of Henry of Essex, p. 210.

The statement just made concerning the time when the Laws of Henry I. were collected, shows that the ordeal was far from obsolete at the beginning of the reign of Henry II. The Assize of Clarendon shows how firm its hold was in criminal cases in 1166;[3] and specific evidence of its actual use about the year 1175 is furnished in the Exchequer return of Robert de Luci, p. 272, and in 1177 by the case of John Senex, p. 227. See also the case of Gilbert de Plumpton, p. 229, *anno* 1184, in which

[1] The ordeal was abolished throughout Christendom by the Lateran Council in November, 1215. See 1 Stubbs, Const. Hist. 619. The duel lingered on, and was only abolished in 1819, though it had long before become practically obsolete.

[2] C. 62, § 1; c. 65, § 3; c. 67, § 1; c. 75, § 6; c. 80, § 7; all being cases of homicide or theft.

[3] See 1 Palgrave, Commonwealth, 257—259.

the defendant, appealed by the celebrated Glanvill of carrying off and marrying a young heiress in the gift of the king, denies the charge "modis omnibus," which probably still meant the ordeal, the duel, and the oath.

This carries us to the time of Glanvill de Legibus; and in this there are several references to the ordeal. In liber 14, which relates entirely to crimes as then understood, the author, at the close of cap. i., speaking of persons accused of plotting the death of the king or of raising sedition in the kingdom or in the army, says such are usually tried by battle ("tunc per duellum solet placitum terminari"). But, he adds, a person thus accused may refuse the battle if sixty years of age, or if he has suffered mayhem, in the breaking of a bone or a wound on the head. And in such a case, "tenetur se purgare is qui accusatur per Dei judicium, scilicet per calidum ferrum vel per aquam per diversitate conditionis hominum; scilicet per ferrum calidum, si fuerit homo liber; per aquam, si fuerit rusticus."

In the next chapter, which relates to the concealment of treasure trove, Glanvill says that it is not usual for one accused merely by the public voice (*ob infamiam*) to go to the ordeal. According to the Assize of Clarendon (*anno* 1166), a person found in possession of goods stolen or taken by robbery was not permitted to wage his law, if he bore a bad name. And though not accused by the public voice, he must still purge himself by water, because of his possession.[1] Possession of the goods was therefore equivalent to the special presentment provided for in the Assize of Northampton (*anno* 1176) "per sacramentum duodecim liberorum legalium homi-

[1] Assize of Clarendon, c. 12; Stubbs's Select Charters, 144.

num et per sacramentum quatuor hominum de unaquaque villa hundredi."[1]

Glanvill proceeds to say, with regard to concealment of treasure trove, that if the party has been convicted, presumption making against him, he can still purge himself by the ordeal. The conviction here referred to, it is proper to observe, is in reality the conviction only of a grand jury; and the ordeal supplies the place of what, after the Lateran Couneil of 1215, superseded it,—the trial before a petit jury.[2]

The next instance of the ordeal mentioned by Glanvill is in the case of an accusation by a woman against a man of a battery committed upon her, and also perhaps of the homicide of her husband. The crimes of arson and robbery are passed over with the remark that there is nothing to distinguish the law relating to them from that relating to the offences above named.

There is no indication either in the cases, or the laws, or in Glanvill that resort was ever had to the ordeal in the time of Henry II. in civil cases. The ancient right to resort to the "judgment of God" appears to have

[1] Stubbs's Sel. Ch., 151. Professor Stubbs (Sel. Ch. 142) says that the adoption of presentment and ordeal by the Assize of Clarendon had the effect of abolishing the practice of compurgation in the shiremoots, but that trial by compurgation continued in the boroughs whose charters exempted them from the jurisdiction of those courts.

[2] See 1 Stubbs, Const. Hist. 619. The ordeal, however, continues to be mentioned for some time after 1215. The provision of Magna Carta of John, "nullus ballivus ponat de cetero aliquem *ad legem* simplici loquela sua, sine testibus fidelibus ad hoc inductis," is carried into the Great Charter of Henry III., *anno* 1224-5, 1 St. at Large, 9 Hen. III., c. 28, where, however, the term "lex manifesta" was wrongly understood as meaning "wager of law."

[3] Lib. 14, c. 3, 6. In the time of Doomsday, women could tender the ordeal in real property disputes. See the case of A Free Woman *v.* Aitard, Appendix C, p. 305.

shrunk away to the denial of accusations of crime; and in cases of charges of the higher crimes, purgation by ordeal was no longer permitted as it had been to bishop Remigius in the time of the Conqueror, except when the accused was physically incapacitated for the duel. At the same time it should be noticed that while the duel had maintained its place in the criminal procedure, it had lost its pre-eminence in the procedure of real property law and been crowded back to an inferior position by the advance of trial by inquisition.

Compurgation underwent some degree of statutory change in the latter part of our period. Until the Assize of Clarendon (*anno* 1166), re-enacted at Northampton (*anno* 1176), this had been an allowable mode of disproving accusations of crime;[1] but from that time the accused upon presentment by an inquest under the statute must undergo the ordeal if he would establish his innocence.[2] Whether the use of the compurgatory oath or of charters as evidence underwent any further substantial tranformation or enlargement does not clearly appear; but the probability is that there was little if any other change. The value of the oath may have been affected somewhat by changes in ranks in society; but otherwise it retained its ancient position. The references to compurgation in Glanvill are numerous, and its use shown to be very extensive.[3]

References to the actual use of the compurgatory oath occur in Doomsday; as in the case of Lands of Hugh de Port, p. 38; in the time of Henry I. as in the case of

[1] Laws Wm. I. c. 51.

[2] Assize of Clarendon, c. 11—14; Northampton, c. 1; Stubbs's Select Charters, 144, 151; 1 Palgrave, Commonwealth, 259; *ante*, p. xvi.

[3] Glanvill, pp. 10, 221, 251, 290 (Beames).

Matilda, pp. 79, 82, and perhaps in the reign of Henry II., as in the case of Robert de Iclesham *v.* Abbot Walter, p. 179. This last case, however, was an offer of proof by persons who might have been called as witnesses.

The use of charters, however, continued to be a more general, as it was a more satisfactory, form of proof. Charters appear, to have always been employed to the exclusion of the other modes of proof, excepting by witnesses,[1] when litigants were so fortunate as to own them; at all events there is no indication, in any of the numerous cases, of the use of wager of law, or of the ordeal, or duel, when a charter was introduced in evidence,[2] except when there was doubt as to the genuineness of the charter.[3] And even then if the judges found the question of its genuineness difficult to decide they sometimes suggested a compromise; as in Abbot of Battel *v.* Alan, p. 245. In case the charter were rejected as a forgery, the party who offered it would of course fail, unless he was allowed to fall back upon the ordeal or the duel. However, it must be remembered that upon judgment in any case, not compromised or confessed, the defeated party could summon the judges to the duel for false judgment.[4] In the case of Robert Fardenc, Appendix C, p. 306, that person offers to prove

[1] "Per cartas suas et per testes suos." P. 27.

[2] The expression "justo Dei judicio" in the case of Bishop Wulstan *v.* Archbishop Thomas, p. 3, where charters were produced, is probably not used in any technical sense. The phrase is often used by the chroniclers where it could not mean the ordeal or the duel. See, for example, Rog. de Hov. *anno* 1135; 1 Twysden's Script. 614. But if the ordeal was used in Wulstan *v.* Thomas, it was probably because the charters were nearly worn out,—" scriptis evidentissimis detritis, et penitus annihilatis."

[3] Brunner, Schwurgerichte, 64, 65.

[4] Glanvill, lib. 8, c. 9.

title to land against the whole hundred, "omnibus legibus;" but whether this offer was against a judgment of the hundred is not clear. Probably it was not.

Evidence by witnesses was almost universal in the Norman period; but it generally appeared in a new form. In Anglo-Saxon times, the evidence of witnesses, as distinguished from compurgation, was employed, like the latter, strictly as party-proof; but within the limits attached to it in that character, it was used either as an independent, substantive mode of proof, or in aid of documents,[1] or perhaps upon the failure or inadequacy of compurgation.[2] Compurgation in its essential features consisted in the bringing forward of a definite number of persons, dependent upon the rank of the parties,[3] and the object of the suit, who were to swear, not to the facts, but to the credibility of the party for whom they appeared.[4] Party witnesses, however, testified to facts,—to matters "de visu et auditu,"[5] though

[1] Compare Modbert v. Prior and Monks of Bath, pp. 114, 115

[2] See 1 Stubbs, Const. Hist. 610; Brunner, Schwurgerichte, 55, 56; Essays in Ang.-Sax. Law, 218, as to the failure of the compurgatory oath.

[3] Palgrave (1 Commonwealth) says that from the time of Henry II. the compurgators were to be the peers of the party; but this is contrary to Bracton, p. 410, § 3.

[4] Brunner, Schwurgerichte, 49; Essays in Ang.-Sax Law, 186. Compare the compurgatory oath of Mord's vouchers in the Njal-Saga, 2 Dasent's Story of Burat Njal, 264.

[5] See Brunner, Schwur., 54; Laws of Wm. I. c. 24, 45. There were two classes of witnesses in the Anglo-Saxon and Germanic procedure, called by German writers transaction and community witnesses. Either could be produced. Brunner, Shwurgerichte, 53. Each class were strictly party-witnesses, and gave testimony in set formula word for word, according to the judgment concerning the proofs. Brunner, Schwur. 54. Their functions were, therefore, much more circumscribed than those of the Norman inquisitors. As to the distinction between the two classes, see Brunner, pp. 53, 54. And further, see Essays in Ang.-Sax. Law, 187; and compare Bishop Wulfstan v. Abbot Walter, p. 16, a case of this kind apparently.

in a narrow formula, prescribed by a sort of interlocutory judgment, by which both the burden of proof[1] and the theme of proof (*beweisthema*) were declared.[2] This form of testimony by witnesses, unrestrained by the limits apparently set in the Anglo-Saxon period, was employed in the time of the Conqueror; as may perhaps be seen in Bishop Wulfstan *v.* Abbot Walter, p. 16. It was also used in the time of Stephen and afterwards; as may be seen in the case of Modbert *v.* Prior and Monks of Bath, p. 114, in Abbot Gilbert *v.* Earl Gilbert, p. 150, in Robert de Icklesham *v.* Abbot Walter, p. 179, in Abbot Hamlin *v.* Earl William, p. 182, and in Glanvill.[3] But as in Anglo-Saxon times, the witnesses appear still to be party witnesses, and probably were not subject to examination, as they had not been before the conquest.[4]

[1] Or the *privilege* of proof, as it often amounted to in the procedure of the Germanic law. Compare Essays in Ang.-Sax. Law, 237, 200, 211, 213.

[2] Brunner, Schwur., 54. See Holtzendorff's Rechts lexikon, Beweisurtheil.

[3] Lib. 2, c. 6; lib. 6, c. 11. Unless the Anglo-Saxon formalism of the witness-oath was limited to the evidence of the laity, these references show that the witness-proof had developed away from and entirely lost its ancient character, or at least had become much enlarged in scope. In the Anglo-Saxon procedure, the witness appears standing with him for whom he swore, thus making oath: "In the name of the Almighty God, as I here for N., in true witness stand, unbidden and unbought, so I with my eyes 'oversaw,' and with my ears overheard, that which I with him say." This must not be mistaken for the compurgatory oath, which was as follows: "By the Lord, the oath is clean and unpurjured which N. has sworn" 1 Anc. Laws and Inst. 181 (8vo. ed.). The Icelandic compurgatory oath was the same in effect, but pursued the words of the party's oath, with solemn assertion of belief in their truth. Njal-Saga, 2 Dasent, 264. It is worth noticing, that in two of the cases cited in the text *supra*, Bishop Wulfstan *v.* Abbot Walter, and Modbert *v* Prior and Monks of Bath, the Anglo-Saxon (and Germanic) peculiarity of a judgment in the midst of a cause, directed to the production of the proofs, appears. See Essays in Ang.-Sax. Law, 185, 186, 249.

[4] Brunner, Schwur. 54.

But the great type of evidence, or rather trial,[1] by witnesses in the Norman period was the inquisition. This mode of trial was introduced into England with, or directly after, the Conquest, and become the chief feature of the Norman age. It consisted in the finding of facts by the evidence, generally on oath, of impartial men, chosen and examined by an officer of the law, by virtue of a writ of the king or justiciar, or by some other person exercising authority; examples of which may be seen in the case of the Abbot of St. Augustine, p. 33, and in Bishop Robert *v.* Lord of Stow, p. 139.

The number of the body throughout the Norman period, strictly so-called, and in the early part of the reign of Henry II., was undefined, varying probably accordingly to the importance of the case and the rank of the parties. By the time of Glanvill's treatise, however (perhaps *anno* 1187), the number was generally, though not always twelve.[2] But whatever the number of the body, the finding was at this time to be unanimous. If any of the persons summoned were ignorant of the facts, or if some of the number disagreed with the rest, they were to be set aside and others chosen to take their places until the required number of agreeing persons was found.[3] And if the number necessary could not be obtained, of agreeing persons, the inquisition, it seems, failed. None of the writs, however, until in the

[1] It should be remembered, however, that the inquest was used for fiscal purposes as well as in litigation. The great survey of Doomsday is an example of such use upon a most extensive scale Indeed, the fiscal use of the inquisition on behalf of the sovereign was probably its first use. See 1 Stubbs, Const. Hist. 613.

[2] Lib. 13, c 2, *et seq.* See Appendix H.

[3] Ib. lib. 2, c. 17. Glanville, it is true, represents the close of our period; but there can be no doubt that the principle of unanimity prevailed from the first, when a *definite* number was to be summoned.

reign of Henry II., specify a definite number of witnesses; and it is not clear whether the finding was to be unanimous or not.

Here is seen the essential principle of the jury as it prevailed through the middle ages to the time of Edward The Fourth. Indeed here is the principle of the jury system of the present day; for the change by which the juror and the witness became separated was only a modification of the Norman inquisition, not an essential alteration of it.

This, however, is not the most interesting phase of the inquisition. That mode of trial developed, before the end of the period covered by this book, into the various recognitions which played so important a part in the procedure of the middle ages and of modern times. The growth of the writ of novel disseisin of Glanvill, the type of all these recognitions,[1] is very fully illustrated by writs contained in this book.

In its early and middle stages, this writ is irregular and undefined in form; and it remains almost down to the reign of Henry II., a writ of disseisin rather than a writ of *novel* disseisin. The first indication of its use in England is found in the first case given in this volume;[2] where, however, the form of the writ is not stated. An inquisition is again ordered in one of the cases of the Lands of the Church at Ely, p. 24, the king's writ directing that, upon the assembling of certain shires, "many of those Englishmen should be chosen who knew how the lands of the Church were held (*jacebant*) on the

[1] The term "recognition" almost supersedes that of "inquisition" before the end of the reign of Henry II. The words are generally synonymous; but recognition is often the *species*, while inquisition is the *genus*.

[2] As to this case of Edwin *v.* William, see the Preface.

day when king Edward died, and that they should give evidence thereto on oath." Another writ pertaining to lands of the same church commands Archbishop Lanfranc to make inquiry by the bishop of Coutances and by bishop Walkelin and others how certain jurors swore, and who heard the oath as to the lands in question. William, the etheling, directs the sheriff of Kent to require Hamo "and the good men of Sandwich, named by Hamo, to speak the truth concerning a ship of the abbot of St. Augustine," p. 33.

King Rufus directs the same sheriff to cause an inquisition "by the men of the hundred of Middleton," as to customs of St. Augustine, p. 66.

Henry I. commands Hugh of Bocland and the sheriff of Oxford to summon the men of their counties "to speak the whole truth" concerning certain lands, p. 74. In Monks of St. Stephen *v.* The King's Tenants, p. 120 (*anno* 1122), sixteen men are sworn "to make true affirmation on inquisition" concerning certain land. Soon afterwards, Ralph Basset is directed, *inter alia*, to inquire "by legal men of Oxford" as to the jurisdiction of abbot Vincent, p. 121. The next writ gives promise, though vaguely, of the writ of novel disseisin of Glanvill. This commands the defendant to give seisin to the abbot and monks of Gloucester of the lands and tithes "of which they had been unjustly and without judgment disseised. . . . as they can prove title by their legal men," p. 128. Another writ to the same party points more directly to the writ of Glanvill, beginning nearly in the settled form;—"if without judgment you have disseised the abbot of Gloucester of Coleby . . . . then I command that you justly restore seisin to him," p. 130. The next writ in order in the reign of Henry I., to which,

however, no date is assigned, indicates a fluctuation, if the writ be later in time, receding to the unsettled state of the earlier writs above referred to. It commands certain persons to have an inquisition "by good men of the county" concerning boundary lines, and if they do not have full confidence in the witnesses, to require them to make oath to their return, p. 139.

The promise of Glanvill, as above indicated, disappears again in the time of Stephen; though only two writs of inquisition of this reign are given. The first orders an inquiry "by the vicinage and the good men of the district if five acres held by W. L., through a disseisin of the plaintiffs, which land they claim, are of their tenure," p. 160. And the second writ, relating to the lands abovementioned of the abbot of Gloucester, and directed against the same party, commands that he justly give seisin to the abbot of a certain church, lands and tithes, "as he had been seised on the day when king Henry last crossed into Normandy," p. 162. The quoted part of this second writ deserves to be compared with the beginning of the writ of novel disseisin in Glanvill.[1]

The form of the later writ reappears more distinctly than ever at the beginning of the reign of Henry II.,— a fact going to support the general opinion that that king, from the first, took an active interest in improving the forms of legal process. Two writs are given in Abbot of Abingdon *v.* Turstin, pp. 169, 170, which provide that "if the abbot of Abingdon has been unjustly and without judgment disseised of land at M.," the sheriff shall "without delay and justly give him

[1] N. complains to me that R. has unjustly and without judgment disseised him of his free tenement .... since my last voyage into Normandy." Lib. 13, c. 33; Appendix II.

seisin." The only essential difference between these writs and the writ of Glanvill is that the latter contains a limitation clause (making the process on its face a writ of *novel* disseisin), provides for security, and states the number of jurors. The next writ (p. 197) of Henry II., however, which is between the same parties (perhaps *anno* 1158), contains a limitation clause;—a long one, it is true, extending back to the death of Henry I. (1135), but this was because the whole reign of Stephen was a period of violence, when suitors against the strong fared ill in the courts. And this was the usual limitation in the early and even later part of the reign of Henry II.[1]

An examination of other writs would reveal a similar progress from indefiniteness of form to a settled state, attained about the close of the reign of Henry II.; but the subject cannot be further pursued at the present time. It must for the present suffice to say, that the history of each of the Norman writs teaches the same law of gradual growth; the forms of process at times receding, but on the whole advancing to the permanent form assumed (in most cases) by the end of the 12th or the early part of the 13th century. At this time there appears in history of the English law a distinctively English writ procedure, just as at the same time there appears in the history of English architecture a definite type of church architecture. The Norman germs have had their natural development on English soil. There has been no transplanting of developed forms. The writs in the Ap-

[1] See Writs from Glanvill, Appendix H; Men of Wallingford and Oxford *v.* Abbot Walkelin, p. 198; The King *v.* Abbot Walkelin, p. 203; Sheriff of Berkshire *v.* Abbot Walkelin, p. 207; Monks of Abingdon, p. 250. See also the case of Thomas à Becket, p. 216, for a different limitation.

pendix, taken from Glanvill, indicate, indeed, the work of a single mind, directed to the attainment of a definite object; but the result is merely the unification and completion, in proper fullness, of the writs at hand.[1]

The chief interest attaching to these writs arises from the fact that in their final, settled form they became the fixed precedents for the peculiar forms of action which have characterized the English law from the time of Edward the First to the present day.

It may not be strictly true that when pleadings ceased to be oral, the established writs (or "writs of course") became the models upon which the written declarations were framed. Doubtless for a considerable time the form of the oral plaint was preserved in memory, and was merely reduced to writing by the plaintiff's attorney; but the earliest forms of declaration in existence show that the plaintiff's complaint was, as *a priori* reasoning would show it must have been, a substantial repetition of the writ, with such amplification only as was necessary. It would not be safe, however, to affirm that in the unsettled, or rather transition, period of process we have in the writs any certain indication of a

[1] We do not at this time go into the question whether the early writs of Henry II. may not have existed in the same form for a short time previously in Normandy. The point is, that there is no gap in England in the history of the writ. The form temp. Henry II. follows naturally upon the previous writs, and requires no suggestion of an importation to account for it. It may be added, however, that Brunner's argument in favour of Normandy is not very well supported. Schwurgerichte, 295, 301—303. The evidence rises little above conjecture. Moreover, the writs from Normandy to which he refers are quite different in form from those above given, and are not in the regular order of development from the writs of Henry I. None of the English recognition writs contain the expression "secundum assisam meam" used in Normandy. The expression in Glanvill "posuit se inde in assisam meam," lib. 2, c. 8, refers to the Grand Assize, which is attributed to Henry II.

lack of definite form in the (oral) pleadings which then prevailed. There is too much ground for belief that the pleadings were presented for a long time in a set formalism of words, as had been the case before the Conquest, to justify such an assertion. But it is altogether probable that from the time when the writs assumed *permanent* shape, we have in them the substance of the verbal plaint with which the trial opened.

The irregularity of form of the Norman writs is suggestive of important facts of another character. The king's writ was law, and his will, as expressed in the writ, could not be disobeyed without the hazard of punishment.[1] There is no indication in any of the cases or laws of the Norman or sub-Norman time, or in Glanvill, of doubt ever expressed as to the efficiency of any perfect writ which the king might grant. No suggestion is to be found that question was ever raised whether or not the writ conformed to the forms of action in common use. Nor did Magna Carta attempt to restrain the royal prerogative in this respect; except in taking away the king's right to disseise or imprison his subjects without process of law.

It was not until the year 1258, so far as extant legislation indicates, that the *king's* right to frame writs at will was seriously abridged. In this year the famous Provisions of Oxford[2] were promulgated, virtually establishing a regency over the king and kingdom, one

[1] De chartis vero regiis et factis regum, non debent nec possunt justiciarii nec privatæ personæ disputare. Bracton, 34; vol. 1, pp. 268, 269, of the new edition by Twiss. Item nec factum regis, nec chartam potest quis judicare, ita quod factum domini regis irritatur. Ib.

[2] According to Twiss (Introd. to his ed. of Bracton), and to Güterbock (Bracton und sein Verhältniss zum Römeschen Rechte), Bracton

clause of which declared that the chancellor should swear to issue no more writs, except writs of course, unless upon command of the king and his council present with him.[1] The Provisions of Oxford, it is true, were abrogated six years afterwards under a submission to the arbitration of the king of France of the differences between the king (Henry III.) and his barons; but their abrogation appears to have left untouched this particular clause;[2] for within thirty years from that time it had

wrote before the Provisions of Oxford; the different parts (tractatus), according to Twiss, being written at various times, from 1229 to 1256-7.

[1] Ceo jura le chanceler de Engletere. Ke il ne enselera nul bref fors bref de curs sanz le commandement le rei et de sun conseil ke serra present. Annales Monast. 448; Stubbs's Select Charters, 389. E ke il [le chanceler] ne ensele hors de curs par la sule volunte del rei; mes le face par le cunseil ke serra entur le rei. Ann. Mon. 451; Stubbs, 391. That is, by the second clause, that the chancellor should seal no writ out of course by the sole will of the king, but should do it by direction of the council who should be about the king.

[2] It was a minor point probably; and the practice of the half-dozen years was perhaps considered to have settled the law. The generally received statement, that "a strict observance of the old forms" of writ had at length established them, so as to render it illegal to frame new ones (1 Reeves, Hist. Eng. Law, 97 Finl.), has, it is believed, as applied to the king, no foundation in fact. It is true that writs "of course"—that is, writs in a common form, for the ordinary cases,—were in use prior to the Provisions of Oxford (indeed, from the time of Glanvill, as we have seen), and the *clerks in chancery* had no power to vary them; and this produced settled forms of action. But the *king* probably was not bound by them, and could frame writs virtually at will. See Bracton, 34, *ut supra*. Bracton does, however, say that there were certain established writs of course, granted and approved by the Common Council of the whole kingdom, which could not be changed without the barons' consent and will, 413 *b*. It is doubtful if this applied to the royal prerogative: it is more likely to have been a restraint imposed upon the chancery clerks. But if it was a restraint of the king's powers also, it indicates either that Bracton wrote after the Provisions of Oxford (which is not probable), or that the Provisions merely re-enacted some prior statute, which has been lost. In any

become necessary for Parliament to pass a statute to authorize the grant of writs without imposing upon suitors the burden (which was practically prohibitive) of seeking the same through the council. This statute was the famous Act of Westminster, 2, c. 24, *anno* 1285,—the most salutary and far reaching enactment ever passed in the history of English procedure. Under it arose actions on the case; the clerks in chancery being authorized to frame new writs whenever a meritorious case was presented "in consimili casu" to any of the writs already in existence, but for which none of those writs was adequate.[1]

The necessity for the law authorizing actions on the case, and the endless train of subtleties reaching down to the present day, which have so often resulted in the perversion of justice, were the natural consequence of depriving the king, or rather his chancellor, of the ancient prerogative of granting new writs. Within proper limits, to guard against abuse, the right to issue writs whenever a case proper for redress or relief was presented was salutary, and its continuance would have saved the English law from centuries of constant and deserved reproach. The Statute of Westminster 2 was only an attempted return to what had existed theoretically, if not practically,[2] until the middle of the 13th century,—to wit, actions on the case; but the state of law which

event, the king's power was abridged by legislation, and not by prescription.

[1] Leading Cases on Torts, 351—a statute which has always been in active force in the greater part of America, as well as in England and Ireland.

[2] The clauses in the Provisions of Oxford indicate that writs out of course had been readily obtainable—so readily as to have created an abuse to be corrected.

made it necessary prevented the statute from accomplishing the result, without adding the train of evils which, on both sides of the Atlantic, have attended the endless suggestions of distinction between the old actions and the new.

The abrogation by the Provisions of Oxford of the king's right to issue writs at will, together with the abrogation by Magna Carta of the king's right to disseise and imprison his subjects without legal process, was in reality a limitation of what is sometimes called the king's equitable powers.[1] There is no Court of Chancery in any part of the period covered by this book. The chancellor is, to the end, the king's clerk, and never appears as sole judge in equity; though he often sits as a member of the King's Court and of the Great Council.[2] But the kingdom is not without a judge in equity; and that judge is the king, acting in his capacity of chief ruler of the land. He does, indeed, sit with his barons and clergy in causes which in modern times would be called equitable; as in the case of Abbot Odo, p. 221. But he also acts alone, and of his own motion, grants or refuses the claims of his subjects to redress or relief. He issues writs in the nature of final judgments, where there has been no further trial than is involved in presenting to him a case for relief. Examples of such writs may be seen in numerous cases in this book. In Abbot Scotland *v.* Hamo, p. 13, William the Conqueror directs Archbishop Lanfranc and others to cause the plaintiff to have seisin of Fordwick, which the defendant holds, and of other lands. In one of the cases

[1] Essays in Anglo-Saxon Law, pp. 24—26.

[2] As to the chancellor's character, see the case of Abbot Odo, p. 221.

of the church at Ely, p. 27, the same king orders a plea of lands to be stayed. William Rufus, in Church of St. Benet, p. 12, orders his officers to give the church seisin of certain lands which he had granted to it. Henry I. discharges the men of Whistley from liability to Osatus, p. 87; he orders the citizens of Canterbury to restore to the men of St. Augustine certain pledges which the former had executed, p. 88; he enjoins the defendants from entering certain pasture lands of the plaintiff, in Church of St. Peter *v.* Milo, p. 129; and he commands the sheriff of Yorkshire to put the bishop of Durham into possession of all the lands which pertain to his bishopric.[1] Many other examples may be found in the cases temp. Stephen and Henry II.

The existence of such a power, exercisable *ex parte*, would be attended with grave danger in the hands of the most virtuous king; and it is not strange that abuse of it became so great as to require the just restraint imposed by Magna Carta. But further, there was not the need for the exercise of equity jurisdiction by a judge sitting apart from the ordinary tribunals that there has been in later times. The courts were not as yet tied down by rigid forms of action, or by a procedure which could not compass a case involving more than two sets of parties. Remedies such as would in modern times be termed equitable were administered without question by judges or defendants, in the same courts which had jurisdiction of actions of debt and trespass. Examples may be seen in Abbot Athellelem *v.* The

[1] It is not certain that this instance, and some others like it, are not cases of writs of execution upon judgment of the courts, but it is probable they are not. In such cases, it was usual to notice the judgment in the writ. See pp. 19, 21, 29, 98, 117, 122, 124, 129. But this was not always done. See pp. 105, 128.

King's Officers, p. 30, in Abbot Odo, p. 221, and in the dispute between the Prior and Convent of Abingdon and Thomas de Esseburn, p. 234.

Mr. Allen[1] gives credence to the statement of one of the judges in the Year Books[2] that the king himself could be sued in Norman times; preferring the statement of a judge who declared he had seen a writ against the king to the assertion of Bracton[3] that the sovereign could not be compelled by the process of the courts. The collection of writs and cases in this book fails to give any countenance to this statement; and the judge in the Year Book may safely be presumed to have been mistaken, unless the writ was executed by the pope. The king was himself "the fountain of justice" in a very apt sense at this time; and who should assume to execute a writ against him? No one surely short of the pope or the baronage.[4] And who would have the courage to serve a writ upon the king, especially in the Norman period? Such an one would be apt to meet the reception that befell the unlucky messenger of the bishop of St. Carilef, Appendix, p. 308, by king Rufus.[5] Even the pope's legate might hesitate upon such a venture. To execute a writ even against the archbishop of Canterbury, though on papal authority, was no pleasant matter. In the case of the Monks of Canterbury *v.*

[1] Royal Prerogative, pp. 94—97.

[2] 24 Edw. III. 55, pl. 40. See also 22 Edw. III. 3, pl. 25; s. c. Fitzhb. Abr. Error, 8; 43 Edw. III. 22, pl. 12; Whistler's Case, 10 Coke, 64.

[3] Bracton, 5 *b*, 171 *b*.

[4] Bracton makes the latter exception. "Nisi sit qui dicat, quod universitas regni et baronagium suum hoc facere debeat, et possit in curia ipsius regis." 171 *b*.

[5] And that was merely the case of a claim addressed to the king.

Archbishop Baldwin, p. 240, the pope's legates are clothed with a writ against the defendant from the head of the Church; but the record states that the legates "were in deliberation" concerning the manner of executing the precept.[1]

While, however, it is pretty clear that process could not be executed against the king in the ordinary course of justice, it is certain that the king's rights were often brought in question without his consent. Claims were sometimes set up before the commissioners of Doomsday to lands held by the king, and the claims investigated; as in Richard de Surdeval *v.* The King, p. 51, in Robert, the Dispenser, *v.* The King, p. 57, and in Ivo Tailbois *v.* The King, p. 58.[2] And in these cases the claimant was sometimes successful, as in the last-named case. But no process appears to have issued against the king; his interests being attended to doubtless by the commissioners. The king was also frequently vouched to warrant his grants.[3] But of process issued against the sovereign in the 11th and 12th centuries there is no evidence.[4]

The king appears in person among the judges in many of the cases, often taking an active part in the trial. In Abbot Walter *v.* Gilbert de Baillol, p. 175, king Henry

[1] Compare the observation of Lord Penzance in the recent case of Combe *v.* Edwards, Law Rep. 3 P. D. 103, 120, as to process against the queen.

[2] See also Archbishop Lanfranc *v.* Bishop Odo, pp. 4, 8; Abbot Walter *v.* Alan de Nevill, p. 173.

[3] See Land of William de S., and Aluric *v.* Roger Bigot, in the Appendix C, pp. 304, 305. But in the time of Bracton, the king's consent to the voucher was necessary. Bracton, 171 *b*, 261, 270 *b*, 382 *b*. See Twiss, Introd. to Bracton, 25, 26.

[4] See upon this subject an interesting and learned investigation by Mr. Justice Gray, in Briggs *v.* Light-boats, 11 Allen, 157, 166—174.

the Second, upon suggestion of the defendant that a certain charter of Henry the First had been improperly obtained, taking the charter into his own hands, turns to the defendant with the exclamation, "Per oculos Dei, si cartam hanc falsam comprobare posses, lucrum mille librarum mihi in Anglia conferres." In the case of John, the Marshall, *v.* Thomas à Becket, p. 211, the same king angrily calls upon his barons to pronounce judgment against the defendant. In Archbishop of Canterbury *v.* Abbot of St. Edmund, p. 238, baffled by the production of conflicting title-deeds by the plaintiff and the defendant, the same king says, "I know not what to say, except that the charters are at war with each other." And when in the same case the plaintiff refused to submit the dispute to the judgment of certain counties, the king indignantly leaves the court, with the words, "Let him take who can."

The queen also sat in the courts in person, in the absence of the king, if not sometimes when he was present; as appears by the case of the Men of Periton *v.* Abbot Faritius, 99. And writs, in the king's absence, were not unfrequently granted in her name: as in the case of the Abbot of St. Augustine's Claim, p. 33, and in the case of Bishop Ranulf *v.* Robert de Muscams, p. 137.

The superior courts for the administration of justice throughout the Norman and sub-Norman period are the Great Council (corresponding to the Anglo-Saxon Witenagemot, and still occasionally called by that name), the King's Court, and the Exchequer; though the latter makes no appearance as a judicial organization until the reign of Henry I. The Great Council continues to exist, like its Anglo-Saxon predecessor, chiefly

as a deliberative and legislative body, acting directly for the general public weal; but it is also often turned into service as a tribunal for the decision of questions arising between man and man, or between the king and subject as an individual. Great men alone, however, appear to have enjoyed the right of trial by this august body. Cases of such litigation in this book are too numerous for special mention.[1] It should be observed that the name of King's Court is sometimes given to this tribunal.[2]

The King's Court, composed of the king and ministers attending upon him, and such others as he chose to call to his aid, or composed of special delegates,[3] with a jurisdiction restrained only by the king's will, appears on every hand, exercising potential influence. But the working of that court cannot be fitly examined here; and we must pass on to some features of special interest attaching to the Exchequer. This was a *fiscus*, and the body composing it act the part chiefly of fiscal officers throughout our period. The name "Exchequer" does not appear in the reign of William the Conqueror or of Rufus, the term "treasury" being uniformly employed. And it is altogether likely that its judicial functions before the reign of Henry I. were confined, with rare exceptions, to the settlement of disputes arising upon claims of or against the king's treasurer and foresters. Under the first Henry, however, the Exchequer appears by that name, according to the writ in Abbot of Westminster *v.* Certain Men, p. 127; and it appears as a court in which common pleas might be tried. In the same

[1] See pp. 2, 11, 12, 83 (?), 94 (?), 210, 211, 213, 221, 229, 283.
[2] See pp. 11, 12, 83 for probable examples.
[3] See The King *v.* Abbot of Tavistock, p. 69.

reign, about the year 1109, the abbot of Abingdon (p. 99) recovers judgment "in thesauro" as to the manor of Lewknor. In the 14th and 15th years of Henry II., Robert de Hasting, p. 269, renders account before the king's treasurer of money charged against him for continuing a plea between himself and Radulfus Moin "usque ad Scaccarium;" and in the 16th year of the same reign Hugh Bardul, p. 270, renders account of a charge for delay of a recognition, also "usque ad Scaccarium." In the 18th year of this reign Robert, filius Ernisi, p. 271, is said to owe the treasury five marks for the privilege of trying a case before the justiciar at the Exchequer. In the 31st year of Henry II., Philip de Kyma, p. 278, settles a charge for the privilege of deferring a private suit "ad Scaccarium Paschæ." Indeed, at this time litigation had become so characteristic of the Exchequer, that the entries upon the Pipe Rolls (in which the proceedings were preserved) were sometimes entitled "De *placitis* ad Scaccarium;"[1] as in the case of Roger, son of Everard, p. 275.

The trial of common pleas in the Exchequer was, however, probably exceptional throughout the period, though growing more and more frequent in the lapse of time. Its jurisdiction in this respect was doubtless matter of favour on the part of the king, as the above examples indicate, and not a matter of right. Indeed that was in a

[1] The fiscal jurisdiction of the Exchequer, indeed, alone gave a wide range of litigation. The ordinary settlements made with the sheriffs were effected by means of judicial process in the nature of a writ of debt; delinquents towards the king in the King's Court were proceeded against in the Exchequer; purprestures came within its cognizance; and indeed so did all matters touching the king's revenue,—some that would have been proper for the Curia Regis. See the Dialogue of the Exchequer, Stubbs's Select Charters, pp. 210, 211, 225, 240, 241.

measure true also of the King's Court. The right of parties not of high rank to sue in the King's Court must have been purchased;[1] but the difference was that the King's Court was from the first a court for the trial, in part, of common pleas; while the Exchequer never fully became such until the invention of the familiar fiction of later times.[2]

There was no distinct Court of Common Pleas during our period; though many of the old writers, misled by the use of terms in Glanvill[3] and other authors, have supposed the contrary. To constitute such a court, there must have been either a distinct judge or staff of judges, with a special denomination, or the judges of the other courts must have had some distinct jurisdiction, laid off from or concurrent with, that of such other tribunals. Nothing of the kind appears in the history of this period. The judges, however, sat most frequently at Westminster by the latter part of the reign of Henry II., and the provision of Magna Carta as to "communia placita" only made obligatory and certain what was already in an advanced state of formation.

To attempt to speak briefly of the county, hundred, and private courts would be vain; and that branch of the history of our period must be left, with the subject of procedure generally, for consideration at another time.[4]

[1] Hence the term still in use of "purchasing a writ."

[2] It should be added that the name "barones" was not at this time confined to the members of the Exchequer, even when used of the judges.

[3] "In banco" especially—a term having no reference at this time to any particular court as such. It, however, was probably applied to the judges who sat at Westminster in distinction from others.

[4] The working of these courts is presented in scholarly outline in 1 Stubbs's Const. Hist. pp. 393 *et seq.*

The result of careful study will show that the administration of justice during the period of this book was simple and inartificial, but for the most part efficient. The machinery of the courts was not elaborate, but it was suited to the work to be performed. If learning did not greatly abound, such as there was was sufficient for the consideration of questions arising in an age before rights had become complicated by the results of commerce and invention.

In some particulars, the transition period was much shorter than it was in the development of writs and the law of procedure generally. In the year 1101, several cases appear of actions for the recovery of knights' fees.[1] These are the earliest cases of actions of that sort on record in England, and they indicate a settled condition of tenure. But in the note to the Abbot of Abingdon *v.* Anskill, p. 62, it is stated on the authority of the Abingdon Chronicle that the defendant was at the time of the suit a tenant of the monastery by knight service, and this was some twelve years earlier than the cases just referred to; being in the second year of the reign of William Rufus.

Indeed a long list is given in this chronicle of tenants by knight service upon lands of the monastery, enfeoffed in the time of William the Conqueror.[2] And what is quite as interesting, the reason which led to the adoption of the tenure in this particular case is stated. In the disturbed condition of things following upon the

[1] Abbot Faritius *v.* William, p. 75; Abbot Faritius *v.* Goscelin, p. 76; Abbot Faritius *v.* Nigel de Oilio, ib.; Abbot Faritius *v.* Walter Giffard, p. 78.

[2] 2 Hist. Mon. Abingd. 3—6 (Rec. Com.). This roll shows that the amount of land constituting the knight's fee agreed upon was not uniform. It probably varied with the value of the land.

advent of the Normans, it became necessary to call for a force of soldiery to protect the possessions of the establishment. At first the abbot (Adelelm) employed stipendiaries; but after the disturbances had been quelled, and after the great survey had determined the number of men that might be required of the abbey for military service, these stipendiaries were retained and turned into tenants by knight service, vacant lands being assigned to them upon the undertaking of the tenants to answer, when called upon, for each one's portion [1]

Similar circumstances existing in other places, it is fair to presume that this is not a solitary instance. Wherever the rich possessions of the church or laity were exposed to the depredations of lawless bands, the protection of the military would naturally be sought; and if faithful service was rendered, the soldiers would be permitted to become tenants of any vacant lands when their services were no longer needed as soldiers. But the case does not rest upon presumption. It appears by Elton's Tenures of Kent[2] that the king turned his dreng tenants[3] into knights for the defence of the country, and that archbishop Lanfranc did likewise.[4]

[1] Abbas mansiones possessionum ecclesiæ pertinentibus inde delegavit, edicto cuique tenore parendi de suæ portionis mansione. Hist. Abingd. *ut supra*. It could not have been Adelelm who retained the soldiers after Doomsday, since he died two years before the survey was completed.

[2] pp. 68, 69; 1 Stubbs, Const. Hist. 262.

[3] As to dreng tenure, see the Preface.

[4] Quia vero non erant adhuc tempore regis Willelmi [primi] milites in Anglia, sed threnges, præcepit rex ut de eis milites fierent ad terram defendendam. Fecit autem Lanfrancus threngos suos milites; monachi vero id non fecerunt sed de portione sua ducentas libratas terræ dederunt archiepiscopo, ut per milites suos terras eorum defenderet et omnia negotia eorum apud curiam Romanam suis expensis expediret, unde adhuc in tota terra monachorum nullus miles est, sed in terra archiepiscopi. Stubbs, *ut supra*.

However, the record of Doomsday has been thought to be a check upon any generalizations founded upon the state of things existing before the survey.[1] There are numerous references to "milites" in Doomsday; but the term is very rarely used as descriptive of tenure. Of over a hundred passages carefully examined, in which "milites" are said to hold lands, there are but two passages in which there is any clear indication that the tenure was knight service.[2] And the first of these may only mean that the land was to furnish a soldier. The other passage, however, is clear. This fact would seem at first conclusive that knight service was extremely rare and exceptional; but the truth is, Doomsday does not always disclose the tenure by which the holders of land were possessed. And the lands of Abingdon furnish conclusive evidence on this point. The Doomsday record, for example, simply declares that "Gilbert holds of the abbot seven hides and a half in Garsington;"[3] but the Abingdon Chronicle states that Gilbert held this particular land by knight service.[4] The same person is referred to again directly afterwards as holding in Sueting a hide and a half of the abbot, without mention of the service; but the chronicle says that he held this also by knight service.[5] Anskill who appears as defendant in a case already referred to,[6] is mentioned in Doomsday as holding a hide of land in Marcham of the

[1] Digby, Hist. Real Prop. 39; 5 Freeman, Norman Conq. (Oxford ed.) 370, 371; ib. Appendix, note HH.; 3 Palgrave, Normandy and England, 609 *et seq.*

[2] [Cumbe] tempore regis Edwardi valebat LX. sol. et postea L. sol. Modo IIII. lib. et servitium unius militis. 1 Doomsd. 10 *b*. Ille qui tenet de Wadardo, reddit ei L. sol. et servitium unius militis. Ib. 32.

[3] 1 Doomsd. 156 *b*. [4] 2 Hist. Abingd. p. 5. [5] Ib.

[6] Abbot of Abingdon *v.* Anskill, p. 62.

abbot;[1] but his holding is by knight service, according to the chronicle. Rainbaldus is merely stated in Doomsday to hold of the abbot one hide in Tobenie;[2] but the chronicle again states that the tenure is knight service. Doomsday states that Hubert held in Witham five hides of the abbot:[3] the chronicle states that he held them by knight service. And many more cases to the same effect. Doomsday therefore does not stand in the way of the assertion of the wide prevalence of knight service, in perfect development, in the time of the Conqueror.

The Anglo-Saxon heriot lived on beside the Norman relief *(relevamen, relevamentum)* for a considerable time, making a faint appearance in Doomsday.[4] The heriot was in principle the return at death of the outfit given a man by his lord when the relationship of lord and man was assumed.[5] The relief, however, which superseded it was a payment by the heir to his lord, in knightly equipments, or money,[6] for the privilege of being invested (raised, *relevare*) with the estate of his ancestor. It is certain that there was for considerable time confusion between the two ideas, as well as in the names; the Anglo-Saxon term being employed for the Norman institution.[7]

References to the relief are numerous in Doomsday:[8] but the most interesting example of it is found in a writ of Rufus given by Heming, a monk of Worcester at that

1 1 Doomsd. 58 *b*. 2 Ib. 3 Ib.

4 De harieta lagemannorum habuit isdem Picot VIII. libras et unum palefridum et unius militis arma. 1 Doomsd. 189. See also pp. 30 *b*, 56 *b*, 280 *b*, 298 *b*, where, however, the relief is meant, though called heriot. 1 Ellis, Introd. 271; 5 Freeman, Norm. Conq. Appendix, note II. This is not to be confounded with the heriot of copyhold tenure in modern times; as to which see 2 Black. Com. 97, 423.

5 2 Black Com. 423. It came in time, however, to be dischargeable by a money payment. 6 Ib. 56. 7 Note 4, *supra*. 8 Ib.

time.[1] The interest attaching to it arises in part from the fact that it calls for money alone, and not for the equipments of a knight. This possibly is explainable on the ground that it is exacted from tenants of the church, the occasion of it being the death of Wulfstan, bishop of Worcester; but the more probable explanation, in part is, that it was owing to the rapacity of Rufus, stimulated by his ready chaplain and minister, Ranulf Flambard, who witnesses the instrument. Besides, by this time, money payments of the relief, if not the rule, were not uncommon.

The writ affords a striking example of the purposes to which the relief could be pressed by an unprincipled monarch or minister.[2] The lands of the church are not only taken into the king's hand, but the tenants of the

[1] The writ is as follows: W. rex Anglorum. omnibus Francis et Anglis qui francas terras tenent de episcopatu de Wireceastra, salutem. Scitis, quia, mortus episcopo, honor in manum meam rediit. Nunc volo, ut de terris vestris tale relevamen mihi detis, sicut per barones meos disposui. Hugo de Laci, XX. libras; Walterus Punh, XX. libras; Gislebertus, filius Turoldi, C. solidos; Rodbertus episcopus, X. libras; Abbas de Euesham, XXX. libras; Walterus de Gloecester, XX. libras; Roger, filius Dur., X. libras; Winebald de Balaon, X. libras; Drogo, filius Pontii, X. libras; Rodbert, filius Sckilin, C. solidos; Rodbert Stirmannus, LX. solidos: Anschitillus de Colesburna, X. libras; Rogerus de Cumtune, XX. solidos; Eudo, LX. solidos; Willelmus de Begebiri, XL. solidos; Ricardus et Franca, C. solidos; Angotus, XX. solidos; Beraldus, XX. solidos; Willelmus de Wic, XX. solidos; Rodbertus, filius Nigelli, C. solidos; Alricus archidiaconus, C. solidus; Ordricus dapifer, XL. libras; Ordricus Blaca, C. solidos; Colemannus, XL. solidos; Warinus, XXX. solidos; Balduuinus, XL. solidos; Suegen, filius Azor, XX. solidos; Aluredus, XXX. solidos; Suinardus, XL. solidos; Saulfus, XV. libras; Algarus, XL. solidos; Chippingus, XX. solidos. Testibus Ranulfo capellano, et Eudone dapifero, et Urson de Abetot. Et qui hoc facere noluerit, Urso et Bernardus sai[si]ant et terras et pecunias in manu mea.

[2] Mr. Freeman attributes all the abuses of this nature of the reign of Rufus to the cunning of Flambard. 5 Norman Conq. (Oxford ed.) 131—134; ib. Appendix, Note HH.

church are required in the meantime to become the king's tenants (that is the meaning of the writ), not for any good to them, but to fill his hoard. The example is sufficient to explain the promise of Henry I. to exact only a "just and legal relief" from his subjects,[1] and to show the rapidity of development of all that was most objectionable in English feudal tenure.[2]

In the year 1177, a question arose between the eldest son of Hugh Bigot by his first wife, and an only son by his second wife, upon the death of the father, as to the right to property acquired by Hugh through purchase, each offering a large sum to the king, in the nature of a relief, the younger son claiming such property by gift; but the king not being able or disposed to decide at once, appoints a day for hearing the parties, in the meantime taking the estate, as usual, into his own hands.[3]

In his valuable book on the history of real property law, Mr. Digby has ventured the statement that freedom of alienation *inter vivos* does not appear to have been curtailed until the passage of the Statute De Donis Conditionalibus, in the time of Edward I., with two unimportant exceptions. "There is no trace," he says, "of a license being required for the alienation of lands held of a mesne lord."[4] Several cases in this book indicate that alienation *inter vivos* was not free and unrestricted in our period, by tenants as against their lords.[5] In Abbot

[1] Stubbs's Select Charters, 97.

[2] As to the extent to which Rufus availed himself of "analogy" to enrich his coffers, see 5 Freeman, Norman Conq. (Oxford ed.) 131—134.

[3] The Widow and the Eldest Son of Hugh Bigot, p. 230.

[4] Hist. Real Prop. 199 (2nd ed.).

[5] Restriction upon alienation, in the interest of the heir, existed at least as early as the beginning of the reign of Henry II., when the so-called laws of Henry I. were collected. "Primo patris feodam

Walter *v.* Gilbert de Baillol, p. 175, the plaintiff is stated to have acquired the land in dispute from a tenant of Barnhorne with consent of his over-lord Withelard de Baillol; and in Abbot Hamlin *v.* Earl William, p. 182, the archbishop of Canterbury testifies concerning the grant of a church by Robert de H., with consent of his lord.[1] Indeed the numerous confirmations by over-lords throughout this period were no doubt sought quite as much by a prudent fear of the claims of the over-lord as for protection against the rapacity of others.

Apart from such cases as the above, lands held in commendation, of which there are numerous instances in this book,[2] must not be overlooked in studying the history of alienation. Doomsday is replete with cases in which freemen who have commended themselves to others for protection cannot sell their lands without consent.[3] And the same was true in the Anglo-Saxon period.

primogenitus filius habeat; emptiones vero, vel deinceps acquisiciones suas det cui magis velit. Si bocland habeat quam ei parentes dederint, non mittat eum extra cognacionem suam." Hen. I. c. 70, § 21. This privilege had been further narrowed by the time of Glanvill. See lib. 7, c. 3.

[1] Compare also Abbot Gilbert *v.* Earl Gilbert, p. 150.

[2] Status of a Certain Freeman, p. 43; Lands claimed by the Bishop of Bayeux, pp. 45, 46. See also Doomsday Inquisitions in the Appendix C.

[3] See, for example, the case of Land held by a Certain Freeman, p. 45. "In Dentuna XII. socmanni .... et habebant XL. acras, quod nec dare nec vendere poterant terram suam extra ecclesiam." 2 Doomsd. 138 *b.* "In Brodiso XXVIII. liberi homines .... tempore regis Eduardi .... Nec dare nec vendere poterant sine licentia Stigandi, qui socam habebat." Ib. 139, 139 *b.* The same, however, might perhaps be said of lands held on lease.

Mr. Digby probably leaves cases of commendation out of view in his remark, referring only to the ordinary case of tenure.

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REGNAL YEARS.

William I.	1066—1087
William II.	1087—1100
Henry I.	1100—1135
Stephen	1135—1154
Henry II.	1154—1189
Richard I.	1189—1199

THE KING'S JUSTICIARS AND CHANCELLORS.

William I. Justiciars. Odo, bishop of Bayeux, and William Fitz-Osbern, 1067; William de Warren and Richard Fitz-Gilbert, 1073; Lanfranc, archbishop of Canterbury, Geoffrey, bishop of Coutances, and Robert, earl of Mortain, 1078.

Chancellors. Herfast, afterwards bishop of Elmham, 1068; Osbern, afterwards bishop of Exeter, 1070—1074; Osmund, afterwards bishop of Salisbury, 1074—1078; Maurice, afterwards bishop of London, 1078—1083; William de Beaufeu, afterwards bishop of Thetford, 1083—1085; William Giffard, 1086—1087.

William II. Justiciars. Odo, bishop of Bayeux, 1087—1088; William of St. Carilef, 1088; Ranulf Flambard, afterwards bishop of Durham, 1094—1100.

Chancellors. William Giffard, 1087—1090; Robert Bloett, 1090; Waldric, 1093; William Giffard, 1094—1100.

Henry I. Justiciars. Robert Bloett, 1100—1107; Ralph Basset (?);[1] Roger, bishop of Salisbury, 1107—1135.

[1] See pp. 112, 113, Anglo-Saxon Chron., *Anno* 1124.

Chancellors. William Giffard, 1100—1101; Roger, 1101—1103; William Giffard, 1103—1104; Waldric, 1104; Ranulf, 1108—1123; Geoffrey Rufus, afterwards bishop of Durham, 1124—1135.

Stephen. Justiciar. Roger, bishop of Salisbury, 1135—1139; Richard de Luci (?)[1] —1154.

Chancellors. Roger, bishop of Salisbury, 1135—1139; Philip, 1139.

Henry II. Justiciars. Robert de Beaumont, earl of Leicester, 1154—1167; Richard de Luci, 1154—1179; Ranulf de Glanvill, 1180—1189.

Chancellors. Thomas à Becket, afterwards archbishop of Canterbury, 1154—1162; Ralph de Warnevill, 1173—1181; Geoffrey, filius regis, afterwards archbishop of York, 1181—1189.

Richard I. Justiciars. Hugh, bishop of Durham, and William, earl of Essex, 1189; Hugh, bishop of Durham, and William Longchamp, bishop of Ely, 1190; William Longchamp alone, 1190; Walter of Coutances, archbishop of Rouen, 1191—1193; Hubert-Walter, archbishop of Canterbury, 1194—1198; Geoffrey Fitz-Peter, earl of Essex, 1198—1199.

Chancellors. William Longchamp, bishop of Ely, 1189—1197; Eustace, bishop of Ely, 1197—1199.

Besides the above justiciars, it must be understood that there was also a great number of inferior judges who were sometimes called justiciars. See, for example, Abbot Faritius v. Gamel, p. 102. Then there were occasional justiciars of the king, delegated to hold special

[1] See 1 Stubbs, Const. Hist. 449, 450.

pleas; as in the case of The King *v.* Abbot of Tavistock, p. 69. But those above named possessed vice-regal powers, and were justiciars by distinction. Their functions, unlike those of modern judges, were not merely judicial, but were also fiscal, and, in the absence of the king from England, nearly universal.

INDEX OF CASES.

[It is deemed unnecessary to present the names of the parties in reversed order.]

WILLIAM I.

[EDWIN, A DANE, ET AL. *v.* WILLIAM, THE CUP-BEARER, ET AL. SOON AFTER 1066.][1]

[Neutrals not to be disseised. Edwin, a Dane, and others alleging themselves to have been neutrals in the contest between Harold and William, complain that they have been disseised of their lands by the latter's men. Proof of neutrality offered, as the king may direct. An inquisition ordered, and the neutrality of the plaintiffs found. Judgment in their favour.]

EDWINUS Dacus venit de Dacia in Angliam cum Canuto rege Danorum, A.D. 1014, quando ipse Canutus debellavit cum Edredo rege Angliæ. Et fuit ipse Edwinus dominus integre de prædictis villis (sc. Neteshamiæ etc.) et obtinuit omnia prædicta in pace, quousque Willielmus bastardus dux Normannorum venit Angliam super Heraldum regem, qui coronatus fuit apud Westmonasterium, A.D. 1066. Et post coronationem suam ipse dedit diversas terras in Anglia diversis hominibus, qui secum venerant in auxilio ad Angliam conquirendam. Inter quas dedit Wilhelmo Albenege pincernæ suo et Willielmo de Warennia forestario suo, diversas terras et dominationes in comitatu Norfolciæ et alibi in Anglia. Et prædicti Willielmus pincerna et Willielmus de Warennia et omnes alii qui venerunt cum prædicto conquestore, ejecerunt diversos homines de omnibus

[1] Wilkins, Leg. Ang.-Sax. 287; 1 Phillips, Eng. Rechts. 92.

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terris et dominationibus suis. Propter quod idem Edwinus et quidem alii, qui ejecti fuerunt, abierunt ad conquestorem et dixerunt ei, quod nunquam ante conquestum nec in conquestu suo, nec post fuerunt contra ipsum regem in consilio et auxilio, sed tenuerunt se in pace, et hoc parati fuerint probare quo modo ipse rex vellet ordinare. Per quod idem rex fecit inquiri per totam Angliam, si ita fuit; quod quidem probatum fuit; propter quod idem rex præcepit, ut omnes illi qui sic tenuerunt se in pace in forma prædicta, quod ipsi rehaberent omnes terras et dominationes suas adeo integre et in pace, ut unquam habuerunt vel tenuerunt ante conquestum suum; et quod ipsi in posterum vocarentur Drenges. Super quod idem rex ad sectam prædicti Edwini mandavit prædictis Willielmo pincernæ et Willielmo de Warennia quod ipsi deliberent prædicto Edwino omnes terras et dominationes suas ex quibus ejecerunt eum.

As to this case, see the Preface.

[Bishop Wulstan *v.* Archbishop Thomas. 1070.][1]

[Bishop Wulstan of Worcester "by the just judgment of God" recovers lands of Thomas, archbishop of York, which the latter's predecessor had retained when transferred from Worcester to York; the plaintiff having been compelled to defer his suit until the vacancy in the see of York was filled by the consecration of the defendant. Trial before the king, archbishop Lanfranc, the bishops, abbots, earls, and great men.]

In hoc itaque concilio,[2] dum cæteri trepidi, utpote regis

[1] 2 Florence of Worcester, 5, 6, 8 (Eng. Hist. Soc.).
[2] At Winchester, *in octavis Paschæ*, 1070.

agnoscentes animum,[1] ne suis honoribus privarentur timerent, venerandus vir Wulstanus, Wigornensis episcopus, possessiones quamplures sui episcopatus ab Aldredo archiepiscopo, dum a Wigornensi ecclesia ad Eboracensem transferretur, sua potentia retentas, quæ eo tunc defuncto in regiam potestatem devenerant, constanter proclamabat, expetebat, justitiamque inde fieri tam ab ipsis qui concilio præerant, quam a rege flagitabat. At quia Eboracensis ecclesia, non habens pastorem qui pro ea loqueretur, muta erat, judicatum est ut ipsa querela sic remaneret quousque, archiepiscopo ibi constituto qui ecclesiam defenderet, dum esset qui ejus querelæ responderet, ex objectis et responsis posset evidentius ac justius judicium fieri. Sicque tunc ea querela ad tempus remansit. . . . Deinde Landfrancus Thomam Eboracensem consecravit episcopum. His gestis, reverendi Wlstani, Wigornensis episcopi, mota est iterum querela, episcopo jam consecrato Thoma, qui pro Eboracensi loqueretur ecclesia; et in consilio, in loco qui vocatur Pedreda celebrato, coram rege ac Doruberniæ archiepiscopo Landfranco, et episcopis, abbatibus, comitibus, et primatibus totius Angliæ, Dei gratia adminiculante, est terminata. Cunctis siquidem machinamentis non veritate stipatis, quibus Thomas ejusque fautores Wigornensem ecclesiam deprimere, et Eboracensi ecclesiæ subjicere, ancillamque facere modis omnibus satagebant, justo Dei judicio ac scriptis evidentissimis detritis, et penitus annihilatis, non solum vir Dei Wlstanus proclamatas et expetitas possessiones recepit, sed et suam ecclesiam, Deo donante ac rege concedente, ea libertate liberam suscepit, qua primi

[1] The king had at this council deposed two bishops and removed many abbots. Ib. p. 5.

fundatores ejus, sanctus rex Æthelredus, Osherus Hwicciorum subregulus, cæterique Merciorum reges, Kenredus, Æthelbaldus, Offa, Kenulfus, eorumque successores, Eadwardus senior, Æthelstanus, Eadmundus, Edredus, Eadgarus ipsam liberaverant.

Quære, if "the just judgment of God" is to be understood in the technical sense of the ordeal? Probably not.

[Archbishop Lanfranc *v.* Bishop Odo. About 1071.]

[General writ for the restitution of lands of which the churches had been unlawfully disseised at the Conquest. Under this writ Lanfranc, archbishop of Canterbury, brings suit in the County Court of Kent at Penenden Heath, for the recovery of lands and franchises of which the see of Canterbury had been deprived, as Lanfranc alleged, by Odo, bishop of Bayeux, on the latter's advent as earl of the county, and before Lanfranc's consecration. The trial lasts three days, and results in the recovery of many manors and franchises by Lanfranc, and the clearing up and defining of ancient customs in Kent. French and English are alike summoned to the trial, especially such of the latter as were skilled in the laws and customs of the county. Geoffrey, bishop of Coutance, presides as the king's justiciar.]

W.[1] Dei gratia rex Anglorum, L. archiepiscopo Cantuariensi et G. episcopo Constantiarum, et R. comiti de Ou, et R. filio comitis Gil. et H. de Monteforte, suisque aliis proceribus regni Angliæ, salutem. Summonete vicecomites meos ex præcepto meo, et ex parte mea eis dicite, ut reddant episcopatibus meis, et abbatiis totum dominium omnesque dominicas terras quas de dominio

[1] 1 Brady's Hist. England, 191.

episcopatuum meorum, et abbatiarum episcopi mei et abbates eis vel lenitate, vel timore vel cupiditate dederunt, vel habere consenserunt, vel ipsi violentia sua inde abstraxerunt, et quod hactenus injuste possederunt de dominio ecclesiarum mearum, et nisi reddiderint, sicut eos ex parte mea summonebitis, vos ipsos velint nolint constringite reddere. Quod si quilibet alius, vel aliquis vestrum, quibus hanc justitiam imposui, ejusdem querelæ fuerit, reddat similiter quod de dominio episcopatuum vel abbatiarum mearum habuit, ne propter illud quod inde aliquis vestrum habebit, minus exerceat super meos vicecomites, vel alios quicunque teneant dominium ecclesiarum mearum, quod præcipio.

[The following trial at Penenden Heath appears to have been instituted upon the above writ.][1]

Tempore magni regis Willielmi, qui Anglicum regnum armis conquisivit, et suis ditionibus subjugavit, contigit Odonem Baiocensem episcopum, et ejusdem regis fratrem multo citius quam Lanfrancum archiepiscopum in Angliam venire, atque in comitatu de Chent cum magna potentia residere, ibique potestatem non modicam exercere. Et quia illis diebus in comitatu illo quisquam non erat, qui tantæ fortitudinis viro resistere posset, propter magnam quam habuit potestatem, terras complures de archiepiscopatu Cantuarberiæ et consuetudines nonnullas sibi arripuit atque usurpans suæ dominationi ascripsit. Postea vero non multo tempore, contigit præfatum Lanfrancum Cadomensis ecclesiæ abbatem, jussu regis, in Angliam quoque venire, atque in archiepiscopatu Cantuariensi, Deo disponente, totius Angliæ regni primatem sublimatum esse. Ubi dum aliquandiu resideret

[1] Selden's Eadmer, 197.

et antiquas ecclesiæ suæ terras multas sibi deesse inveniret, et suorum negligentia antecessorum illas distributas atque distractas fuisse reperisset, diligenter inquisita et bene cognita veritate, regem quam citius potuit et non pigre inde requisivit. Præcepit ergo rex comitatum totum absque mora considere et homines comitatus omnes Francigenas et præcipue Anglos in antiquis legibus et consuetudinibus peritos in unum convenire. Qui cum convenerunt apud Pinendenam omnes pariter consederunt. Et quoniam multa placita de diratiocinationibus terrarum et verba de consuetudinibus legum inter archiepiscopum et prædictum Baiocensem episcopum ibi surrexerunt, et etiam inter consuetudines regales et archiepiscopales quæ prima die expediri non potuerunt, ea causa, totus comitatus per tres dies fuit ibi detentus. In illis tribus diebus diratiocinavit ibi Lanfrancus archiepiscopus plures terras quas tunc ipse episcopus et homines sui tenuerunt, videlicet, Herebertus filius Ivonis, Turoldus de Rovecestria, Radulfus de Curva Spina, Hugo de Monte Forti, cum omnibus consuetudinibus et rebus quæ ad easdem terras pertinebant; scilicet Ratulfe, Sandwic, Rateburg, Wedetune, Monasterium de Lunning cum terris et consuetudinibus ad ipsum Monasterium pertinentibus, Saltvude cum burgo Hethe ad Saltvude pertinente, Langport, Hiwendenne, Rokinge, Detlinge, Prestitune, Sunderherste, Carhethe, Orpintune, Einesford, quatuor præbendas Broche, de Niwentune, Stokes et Devintune. In Suthreia, favente rege Willielmo, diratiocinavit ipse archiepiscopus Murtelache. In Lundonia monasterium Sanctæ Mariæ, cum terris et domibus quas Livingus presbyter et uxor illius habuerunt; in Midlesexe, Herghas, Heisam; in Bochingeamsire, Risebergam,

Haltune; in Oxenfordsire, Niwentune; in Eastsexe, Stislede; in Sutfolchia, Frachenham. Item super Radulfum de Curva Spina LX. solidatas de pasturas in Grean. Et omnes illas terras et alias diratiocinavit cum omnibus consuetudinibus et rebus quæ ad easdem terras pertinebant ita liberas atque quietas, quod in illa die qua ipsum placitum finitum fuit non remansit homo in toto regno Angliæ qui aliquid inde calumpniaretur neque super ipsas terras etiam parvum quicquam clamaret. Stokes vero et Devintune et Frachenham reddidit ecclesiæ Sancti Andreæ, quia de jure ipsius ecclesiæ antiquitus fuerunt. Et in eodem placito non solum istas prænominatas et alias terras sed et omnes libertates ecclesiæ suæ, et omnes consuetudines suas renovavit, et renovatas ibi diratiocinavit, soca, saca, tol, team, flymena, frymthe, grithbreche, foresteal, haunfare, infangennetheof, cum omnibus aliis consuetudinibus paribus istis vel minoribus istis in terris et in aquis, in sylvis, in viis, et in pratis, et in omnibus aliis rebus infra civitatem et extra, infra burgum et extra, et in omnibus aliis locis. Et ab omnibus illis probis et sapientibus hominibus qui affuerunt fuit ita ibi diratiocinatum, et etiam a toto comitatu recordatum atque judicatum quod sicut ipse rex tenet suas terras liberas et quietas in suo dominico ita archiepiscopus Cantuariensis tenet suas terras omnino liberas et quietas in suo dominico. Huic placito interfuerunt Goisfridus episcopus Constantiensis qui in loco regis fuit et justitiam illam tenuit, Lanfrancus archiepiscopus qui ut dictum est placitavit et totum diraciocinavit, comes Cantiæ, videlicet prædictus Odo Baiocensis episcopus, Ernostus episcopus de Rovecestria, Ægelricus episcopus de Cicestra, vir antiquissimus et legum terræ sapientissimus (qui ex præcepto regis advectus fuit ad

ipsas antiquas legum consuetudines discutiendas et edocendas in una quadriga) Richardus de Tunebregge, Hugo de Monte Forti, Willielmus de Arces, Haymo vicecomes, et alii multi barones regis et ipsius archiepiscopi atque illorum episcoporum homines multi, et alii aliorum comitatuum homines etiam cum toto isto comitatu multæ et magnæ auctoritatis viri, Francigenæ scilicet et Angli. In horum omnium præsentia multis et apertissimis rationibus demonstratum fuit quod rex Anglorum nullas consuetudines habet in omnibus terris Cantuariensis ecclesiæ nisi solummodo tres. Et illæ tres, quas habet, consuetudines hæ sunt; una, si quis homo archiepiscopi effodit illam regalem viam quæ vadit de civitate in civitatem. Altera, si quis arborem incidit juxta regalem viam et eam super ipsam viam dejecerit. De istis duabus consuetudinibus qui culpabiles inventi fuerint atque detenti, dum talia faciunt, sive vadimonium ab eis acceptum fuerit sive non, tamen in secutione ministri regis et per vadimonium emendabunt quæ injuste emendanda sunt. Tertia, consuetudo talis est. Si quis in ipsa regali via sanguinem fuderit, aut homicidium vel aliud aliquid fecerit quod nullatenus fieri licet, si dum hoc facit deprehensus atque detentus fuerit, regi emendabit. Si vero deprehensus ibi non fuerit, et inde absque vade dato semel abierit, rex ab eo nihil juste exigere poterit. Similiter fuit ostensum in eodem placito quod archiepiscopus Cantuariensis ecclesiæ in omnibus terris regis et comitis debet multas consuetudines juste habere. Etenim ab illo die, quo clauditur Alleluya usque ad octavas Paschæ, si quis sanguinem fuderit, archiepiscopo emendabit. Et in omni tempore tam extra quadragesimam quam infra, quicunque illam culpam fecerit quæ childwite vocatur, archiepiscopus

aut totam aut dimidiam emendationis partem habebit. Infra quadragesimam quidem, totam; et extra, aut totam aut dimidiam emendationem. Habet etiam in eisdem terris omnibus quæcunque ad curam et salutem animarum videntur pertinere. Hujus placiti multis testibus multisque rationibus determinatum finem postquam rex audivit, laudavit, laudans cum consensu omnium principum suorum confirmavit, et ut deinceps incorruptus perseveraret, firmiter præcepit.

Eadmer says concerning this case: "Hic [i. e. Odo] dominatione qua immensum sustollebatur, non modo terras, sed et libertatem nominatæ ecclesiæ, nullo ei resistente, multipliciter invaserat, oppresserat, tenebat. Quæ, ubi Lanfrancus, ut erant, didicit, apud regem de illis egit sicut oportere sciebat. Unde præcepit rex, quatenus adunatis primoribus et probis viris non solum de comitatu Cantiæ sed et de aliis comitatibus Angliæ, querelæ Lanfranci in medium ducerentur, examinarentur, determinarentur. Disposito itaque apud Pinendene principum conventu Goffridus episcopus Constantiensis, vir ea tempestate prædives in Anglia, vice regis Lanfranco justitiam de suis querelis strenuissime facere jussus, fecit. Lanfrancus enim valida ratione subnixus, ex communi omnium astipulatione et judicio, ibi cuncta recuperavit quæ ostensa sunt antiquitus ad jura ecclesiæ Christi Cantuariensis pertinuisse, tam in terris quam in diversis consuetudinibus." Hist. Novorum, 9 (Selden).

The record is not clear concerning the nature of the trial, but it is not improbable that, as to facts not attested by charter, the new procedure by inquisition was employed. Brady says of the case: "The King's Commissioners were to pronounce the judgment, in the King's name or stead. So the bishop of Constance did right to Lanfranc. The *inquest* upon their oaths found the matter of fact; the judges stated it to the people, and delivered their judgment, to which the *primores* and *probi homines* assented; for it was *ex communi omnium astipulatione*." 1 Hist. of England, 191. Here and elsewhere he speaks of the trial as an inquisition. Ib. p. 193, "these jurors."

It is not probable that the case was decided by battle; nor is it likely that it was decided by the ordeal. It is almost as improbable that the facts were determined by wager of law.

[BISHOP ODO *v.* ARCHBISHOP LANFRANC. PROBABLY SOON AFTER THE FOREGOING TRIAL.][1]

[After the foregoing trial, Odo, by permission of the king (his half-brother), institutes a suit for the purpose of annulling the judgment rendered, and regaining the lands adjudged to Lanfranc. To this suit, men skilled in the law are summoned, and, Lanfranc failing to appear, Odo succeeds in his purpose. The result is now reported to Lanfranc by his men, and the proceedings narrated. Lanfranc detects an error in the pleadings, and accordingly summons a court for the next day, when the judgment in favour of Odo is set aside.]

ITEM alio tempore idem Odo, permittente rege, placitum instituit contra sæpefatam ecclesiam, et tutorem ejus patrem Lanfrancum, et illuc omnes quos peritiores legum, et usuum Anglici regni noverat, gnarus adduxit. Cum igitur ad eventilationem causarum ventum esset, omnes qui tuendis ecclesiæ causis quaque convenerant in primo congressu ita convicti sunt, ut in quo eas tuerentur simul amitterent. Ipse namque Lanfrancus non intererat. Talibus enim, nisi necessitas summa urgeret, ei interesse moris non erat. Ipsi ergo in camera lectionæ divinæ occupato quid gestum fuerit nunciatur. At ille, nil corde perterritus, dicta adversariorum non recte processisse asseruit, et ideo cuncta in crastinum induciari præcepit. Sequenti nocte, adest in visu antistiti beatus Dunstanus, monens ne illum multitudo conturbet, sed de præsentia sui securus placitum mane ipsemet hilaris intret, quod et fecit. Suas itaque causas quodam exordio quasi a rebus quæ tractatæ fuerant vel tractandæ penitus alieno cunctis stupentibus orsus, ita processit ut quæ super eum pridie dicta fuerunt sic devinceret et inania esse monstraret, ut donec vitæ præsenti superfuit, nullus exurgeret qui inde contra eum os aperiret.

[1] Hist. Novorum, 9 (Selden).

[CASE OF RALPH BRETON AND ROGER DE BRETEUIL. 1075.][1]

[The defendants, having revolted, are summoned to the King's Court in England to answer a charge of treason. Refusing to attend, they are attacked and overcome by the king's forces, and their followers are maimed. The king, having returned from Normandy, summons a council to try the rebels, and Roger, appearing, is adjudged guilty, disinherited and imprisoned, according to the Norman law.]

[RALPH Breton, earl of Norfolk, and Roger de B., earl of Hereford, having revolted against the king] Guillelmus itaque de Guarenna et Ricardus de Benefacta, filius Gisleberti comitis, quos rex præcipuos Angliæ justitiarios constituerat in regni negotiis, rebellantes convocant ad curiam regis. Illi vero præceptis eorum obsecundare contemnunt; sed proterviam prosequi conantes, in regios satellites præliari eligunt. Nec mora Guillelmus et Ricardus exercitum Angliæ coadunant, acriterque contra seditiosos in campo, qui Fagaduna dicitur, dimicant. Obstantes vero Dei virtute superant, et omnibus captis, cujuscumque conditionis sint, dextrum pedem, ut notificentur, amputant.

[The king, returning from Normandy, now summons a council of his great men, including the rebels.]

Rogerius vero de Britolio comes Herefordensis ad curiam regis vocatus venit, et inquisitus manifestam toti mundo proditionem negare non potuit. Igitur secundum leges Normannorum judicatus est, et amissa omni hæreditate terrena in carcere regis perpetuo damnatus est.

[Earl Ralph, not appearing, was outlawed. The rebellion grew out of a conspiracy at Norwich. See Case of Earl Waltheof, p. 12, and note.]

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[1] 2 Ord. Vital. 262, 263 (French Hist. Soc.).

[Abbot Gausbert v. Bishop Stigand. Ecclesiastical. About 1076.][1]

[The bishop of Chichester required by the king to induct the abbot of Battel at Battel Abbey.]

Gausberto itaque electo, cum ad eum benedicendum episcopus Cicestrensis Stigandus nullatenus assentiret, nisi Cicestriam benedicendus adiret, regem hac de causa providus abbas caute adivit; causam exposuit, quid agendum foret inquisivit. Quo cognito, indignatus rex episcopo interminatus præcepit, quatinus abbatem in ecclesia Sancti Martini de Bello, omni remota calumnia, benediceret; eo etiam modo, ut illic ipse, vel suorum aliquis, eodem die ex consuetudine nec hospitaretur nec cibum quidem sumeret, in testimonium videlicet libertatis ejusdem ecclesiæ.

[Same Parties. Ecclesiastical.][2]

[Freedom of Battel Abbey from jurisdiction of the bishop of Chichester determined by the King's Court.]

Abbate igitur Gausberto, et regiæ majestatis reverentia, et propria prudentia, plurimum coram regni primoribus honoris locum optinente, episcopi tamen Cicestriæ sæpius infestatione vexabatur. Ipsum nempe sinodum apud Cicestriam adire summonebat, abbatiam quasi ad suam diocesim pertinentem plurimis calumniis opprimere quærebat, ut scilicet in ea vel in his, quæ illius erant, sibi aut ecclesiæ suæ aditus dominandi aliquis pateret. Quod præcavens abbas, hæc iterum regiæ intulit aulæ.

[1] Chron. Mon. de Bello, 25 (Ang. Chris. Soc.). [2] Ib. 26.

Cujus rei causa coram regis curia ventilata, statutum est in communi, ut de eadem ecclesia et leuga circumjacente se episcopus non intromitteret, sed abbas ecclesiæ suæ et leugæ circumjacentis judex sit et dominus, ut servi Dei secularibus curis expediti, soli Deo et saluti omnium[1] intenderent, et suæ ecclesiæ cum prædicta leuga, et seculari et ecclesiastico more præessent, episcopo hæc et reliqua quæ prædicta sunt cum regali auctoritate confirmante.

[The following appears to have been the confirmation granted.][2]

Willielmus Dei gratia rex Anglorum, tam clericis quam laicis per Angliam constitutis, salutem. Notum sit vobis, me concessisse et confirmasse, assensu Lanfranci archiepiscopi Cantuariensis, et Stigandi episcopi Cicestrensis, et consilio etiam episcoporum ac baronum meorum, ut ecclesia Sancti Martini de Bello, quam fundavi ex voto ob victoriam quam mihi Deus in eodem loco contulit, libera sit et quieta in perpetuum ab omni servitute et omnibus quæcunque humana mens excogitare potest, cum omnibus dignitatibus et consuetudinibus regalibus quas ei regali auctoritate concessi, sicut cartæ meæ testantur. Volo itaque et firmiter præcipio, quatenus ecclesia illa, cum leuga circumquaque adjacente, libera sit ab omni dominatione et oppressione episcoporum, sicut illa quæ mihi coronam tribuit, et per quam viget decus nostri regiminis. Nec liceat episcopo Cicestrensi, quamvis in illius diœcesi sit, in ecclesia illa, vel in maneriis ad eam pertinentibus ex consuetudine hospitari, contra voluntatem abbatis; nec ordinationes aliquas ibidem facere, nec abbatiam in aliquo gravare. Sed neque super illam, dominationem aliquam, aut vim,

[1] animarum?

[2] Hist. Novorum, 165 (Selden).

vel potestatem, exerceat, sed, sicut mea dominica capella, libera sit omnino ab omni ejus exactione. Ad synodum vero abbas ire non summoniatur nec compellatur, nisi propria voluntate pro aliquo negotio ire voluerit. Nec monachos suos, ubi sibi opportunius viderit, ad sacros ordines promoveri facere prohibeatur. Nec altarium sacrationes, confirmationes, vel quaslibet episcopales benedictiones, abbatis vel monachorum requisitione a quolibet episcopo ibidem libere fieri, ab aliquo contradicatur. Hoc etiam regali auctoritate, et episcoporum, ac baronum meorum attestatione, constituo, quatenus abbas ecclesiæ suæ, et leugæ circumjacentis per omnia judex sit, et dominus. Defuncto abbate, de eadem ecclesia, abbas eligatur, nisi forte (quod absit) ibidem idonea persona reperiri non possit. Hanc constitutionem meam, sic voto et regali auctoritate confirmatam, nullus successorum meorum violare, vel imminuere præsumat. Quicunque igitur contra libertates vel dignitates ejusdem ecclesiæ fecerit, forisfacturæ regiæ coronæ subjaceat. Hujus rei testes sunt, Lanfrancus archiepiscopus Cantuariensis, Stigandus Cicestrensis episcopus, Walkelinus episcopus Wintoniensis, Wulstanus Wigorniensis episcopus. Qui omnes, me præsente, et audiente, horum præceptorum meorum et constitutionum violatores perpetuo anathemate damnaverunt. Apud Winton.

[Bishop Wulfstan *v.* Abbot Walter. About 1077?][1]

[Bishop Wulfstan claims the right to various services of abbot Walter, which are refused by him. An assembly of "counties

[1] Thorpe's Dipl. 440. See Appendix.

and barons" being held before the king's justiciar, Geoffrey, bishop of Coutances, the plaintiff advances his claim against the abbot, and the abbot denies it. The plaintiff now claims the right to call legal witnesses who had seen and performed the services in the time of Edward the Confessor. It was accordingly determined that the plaintiff should name his witnesses and produce them upon a day stated, and that the abbot, who had said he had no witnesses, should bring any relics he could obtain. The plaintiff's witnesses appear at the time (set by writ of the justiciar), prepared to make the proper oath, and the defendant appears with the relics of St. Egwin; but by advice of friends, the defendant confesses judgment.]

HEC commemoratio placiti, quod fuit inter W. episcopum et Walterum abbatem de Eovesham: hoc est, quod ipse episcopus reclamabat super ipsum abbatem sacam, et socam, et sepulturam, et circsceat, et requisitiones, et omnes consuetudines faciendas ecclesiæ Wigorniensi in hundredo de Oswaldeslawe, et geldum regis, et servitium, et expeditiones in terra et in mari, de XV. hidis de Hantona, et de IIII. hidis de Benningewrde, quas debebat abbas tenere de episcopo, sicut alii feudati ecclesiæ ad omne debitum servitium regis et episcopi libere tenent. De hac re fuit magna contentio inter episcopum et abbatem, qui abbas diu resistens injuste hoc defendebat. Ad ultimum tamen hæc causa ventilata et discussa fuit per justitiam, et breve et preceptum regis Willelmi senioris, quod misit de Normannia, in presentia Gosfridi Constantiensis episcopi, cui rex mandaverat ut interesset predicto placito, et faceret discernere veritatem inter episcopum et abbatem, et fieri plenam rectitudinem. Ventum est in causam. Conventus magnus factus est in Wirecestra vicinorum comitatuum et baronum ante Gosfridum episcopum. Discussa est res; facta est supradicta reclamatio W. episcopi super abbatem. Abbas hanc defendit, episcopus legitimos testes inde reclamavit, qui tempore regis Edwardi hoc viderant, et predicta

servitia ad opus episcopi susceperant.[1] Tandem ex precepto justitiæ regis, et decreto baronum, itum est ad juditium: et quia abbas dixit, se testes contra episcopum non habere, judicatum est ab optimatibus, quod episcopus testes suos nominaret, et die constituta adduceret, et per sacramentum dicta episcopi probarent, et abbas quascunque vellet reliquias afferret. Concessum est ab utraque parte. Venit dies statuta. Venit episcopus W. et abbas Walterus, et ex precepto Gosfridi episcopi; affuerunt barones qui interfuerant priori placito et juditio. Attulit abbas relliquias, scilicet corpus Sancti Ecguuini. Ibi affuerunt ex parte episcopi probabiles personæ, paratæ facere predictum sacramentum, quarum unus fuit Edricus, qui fuit, tempore regis Edwardi, stermannus navis episcopi, et ductor exercitus ejusdem episcopi ad servitium regis; et hic erat homo Rodberti Herefordensis episcopi, ea die qua sacramentum optulit, et nichil de episcopo W. tenebat. Affuit etiam Kinewardus, qui fuit vicecomes Wirecestrescire, qui hoc vidit, et hoc testabatur. Affuit etiam Siwardus dives homo de Scropscyre, et Osbernus filius Ricardi, et Turchil de Warewicscyre, et multi alii seniores et nobiles, quorum major pars jam dormiunt. Multi autem adhuc superstites sunt, qui illos audierunt, et adhuc multi de tempore regis Willelmi idem testificantes. Abbas autem videns sacramentum et probationem totam paratam esse, et nullo modo remanere si vellet recipere, accepto ab amicis consilio, episcopo demisit sacramentum, et totam querelam recognovit, et omnem rem sicut episcopus reclama-

[1] The king's writ directed that the case should be decided upon the rights of the parties sicut erant die, qua novissime, tempore regis Edunardi, geldum acceptum fuit ad navigium faciendum. 1 Monasticon, 601 (ed. 1846). See Appendix.

verat, et inde, concordiam se facturum cum episcopo, conventionem fecit. Et inde sunt legitimi testes apud nos, milites, homines Sanctæ Mariæ, et episcopi, qui hoc viderunt et audierunt, parati hoc probare per sacramentum et bellum contra Rannulfum fratrem ejusdem Walteri abbatis, quem ibi viderunt, qui cum fratre suo tenebat illud placitum contra episcopum, si hanc conventionem negare voluerit, factam inter episcopum et abbatem. Habemus etiam sacri ordinis viros, sacerdotes et diaconos, paratos illud affirmare juditio Dei.

[The king's writ of execution of above.]

Willelmus rex Anglorum V. vicecomiti, et Osberno filio Escrop, et omnibus Francis et Anglis de Wiriceastrescyre, salutem. Volo et precipio, ut episcopus Wulfstanus ita pleniter habeat socam, et sacam, et servitia, et omnes consuetudines ad suum hundred et ad terras suas pertinentes, sicut melius habuit in tempore regis Edwardi; et de terris quas ipse diratiocinavit abbatem de Eovesham de suo feudo tenere, scilicet IIII. hidas ad Benninguurde, et domos in civitate, precipio, ut, si abbas illas vult habere, sibi inde serviat, sicut alii sui feudati. Et de XV. hidis de Hantona, unde episcopus diratiocinavit socam, et geldum, et expeditionem, et cetera mea servitia ad suum hundred, et cirichescot, et sepulturam ad suam villam pertinere, precipio, ne ullus ei contra teneat, sed sic habeat omnia de illis ad meum opus et suum, sicut coram Gosfrido episcopo, et coram vobis, secundum meum preceptum, testante vicecomitatu, diratiocinatum et juratum est, teste ipso Gosfrido episcopo et R. de Ivereio.

[Bishop Odo *v.* Walter of Evesham. About 1077.][1]

[Walter, abbot of Evesham, following advice, refuses to receive homage from many of his men, desiring to take away their lands. The men in anger go to Odo, the king's half-brother, and allege that Walter's predecessor had come into possession of the lands in question by unlawful means; whereupon he assembles five shires, and by their judgment recovers twenty-eight towns of the abbot. The abbot, however, institutes a counter-suit, and succeeds in regaining possession of them.]

Hic [Walterus] vero abbas effectus, omnem abbatiam hanc sicuti antecessor suus habebat suscepit. Sed quia tunc temporis juvenis erat ætate, minus sæculari prudentia præditus quam oporteret, sequens consilia quorundam juvenum parentum suorum ad maximum damnum ecclesiæ, noluit homagium a pluribus bonis hominibus quos prædecessor suus habuerat suscipere, eo quod terras omnium si posset decrevit auferre. Qua de re in iram et odium contra eum conversi, ad Odonem fratrem regis, Baiocensis ecclesiæ episcopum, qui tunc temporis sub rege quasi quidam tyrannus præfuit huic patriæ, miserunt, falsa accusatione dicentes abbatem Ageluuium[2] per fortitudinem, non recto jure, tantas terras acquisivisse. Quapropter præsul præfatus, nefandorum hominum consilio depravatus, cupiditate etiam iniquissima res ecclesiæ habendi nimium illectus, regem fratrem adiit, et tam pecunia quam iniquis suis accusationibus terras sancti monasterii hujus sibi dari obtinuit. Protinus ergo quasi lupus rapax concilia malignantium in loco qui dicitur Gildenebeorge jubet congregari, quinque videlicet sciras, ibique plus per suam iniquam potentiam quam recto jure ex triginta sex terris quas abbas Ageluuius

[1] Chron. Abb. de Evesham, 96 (Rec. Com.).
[2] Walter's predecessor.

per dignam pecuniam ecclesiæ acquisivit, viginto octo villas fecit eidem abjurari et suo iniquo dominio usurpari. Quarum nomina hic subtitulantur: Beningwrthe, Heamtun, Uptun, Wittun, Aruue, Ecleshall, Raggeleie, Saltford, Eatheristun, Brome, Graftune, Ceasteltun, et alia Ceasteltun, Cornuuelle, Quenintun, Sciptun, Saltford, Deorneford, Stoke, Hudicote, Peppeuurthe, Dorsintun, Milecote, et alia Milecote, Actun, Branesford, Winleshale, Bivintone, Budiford, Eunilade, Deilesford, Westune Leinch quam Ursini tenent contra Rotulum Winton.[1] De hiis vero Walterus abbas Westune Hamptune et medietatem de Beningwrthe (quam Ernegrim tenuit) revocavit, medietatem vero quam episcopus dedit Assere occupavit Urso.

[Abbot Walter afterwards recovered these lands in a suit before seven shires. See the writs following:—]

[The king's writ in favour of abbot Walter as to the above lands.][2]

W. rex Anglorum, Lanfranco archiepiscopo et Odoni Baiacensi episcopo et omnibus baronibus suis totius Angliæ, salutem. Sciatis me dedisse Deo et Sanctæ Mariæ et Waltero abbati de Evesham, Westun et Swellam et Beningwrtham et alias terras quas ipse abbas dirationavit coram multis baronibus meis Agildeburga, et volo et firmiter præcipio ut cum tali lege et libertate teneat ipsas terras sicut unquam antecessor ejus melius tenuit tempore regis Edwardi et meo, et præcipio ut nullus super defensionem meam de illis terris aliquam calumniam ei faciat.

[1] Doomsday.
[2] Chron. Abb. de Evesham, pref. xlviii (Rec. Com.).

[Another like writ by Odo.][1]

Odo Baiocensis episcopus Wlstano episcopo, Urso et Durando et Wal., vicecomitibus de Wirecestreshire et Gloucestreshire et Warewicscire, et omnibus fidelibus regis, Francis et Anglis, salutem. Sciatis omnes quod dominus meus Willielmus rex reddidit Deo et ecclesiæ de Evesham et Waltero abbati illas terras quas ipse abbas explacitavit coram VII. schires ad Gildeneberga contra omnes injuste eas quærentes, hoc est, Weston et Swella et Beningwrtha et Bivinton, Withlakesford et Oleberga et Kinewarton et Hildeburewrtha et Rageleia, et constanter defendo ex parte regis ut nullus amplius super hoc ei injustitiam faciat, sed istas et omnes alias terras cum magno honore et pace teneat, et nemini inde respondeat nisi regi.

[Lands and Liberties of the Church at Ely. 1080.][2]

[At a court of three counties, held at Kenetford, the abbot of Ely recovers various lands and franchises of the church of which it had been disseised at the Conquest.]

Anno ab incarnatione Domini millesimo octogesimo, indictione undecima, epactæ XXVI. quarto nonas Aprilis facta est discussio libertatis abbatiæ Elyensis. Quæ regis Willelmi defensione quatuordecim annis neglecta iniqua ministrorum ejus exactione suffocata, penitus extingui formidabat oppressa, Godefrido autem mona-

[1] Chron. Abb. de Evesham, pref. xlviii (Rec. Com.).

[2] Liber Eliensis, 251 (Ang. Chris. Soc.). The above title is used for the sake of convenience, to cover several different litigations by the church at Ely.

cho res sanctæ[1] procurante, rex tandem respectu divinæ misericordiæ instinctus his intendere, principibus circumpositis per Baiocensem episcopum præcepit hæc discutere, adunato ad Keneteford trium proximorum comitatuum examine. Cui disputationi multi sæpe interfuerunt, de quibus aliquos subscripsimus qui finem dissensionis ratæ conclusionis fide intulerunt. Quatuor abbates cum suis Francigenis et Anglis; Baldewinus Ædmundinensis, Wlfwoldus Certesiensis, Ulfchetel Crulandensis, Alfwoldus Holmensis: legati regis, Ricardus filius comitis Gisleberti, Heimo dapifer, Thiel de Heruin; vicecomites similiter cum suis, Picot, Eustachius, Radulfus, Walterus. Pro Rodgero et Rodberto vicecomites Harduuinus, Wido, Winur, Wihumur, Odo, Godricus, Norman, Colsuein, Godwinus. Ceteriqui plurimi milites probati Francigenæ et Angli etiam de IIII. comitatibus Æsex, Hereford, Huntendune, Bedeford. Est autem libertatis hujus veneranda quietatio ut sancta regina integerrime sua possedit ab initio et regum Ædgari et Æthelredi et Ædwardi comprobatur privilegiis quod hæc sanctorum et maxime Æthelwoldi restaurata sunt studio, et ab omni sæcularium potestate copiose redempta commercio, et maligne renitentibus conscripta et conclamata dampnationis imprecatio. Hanc validissimam discussionem et cautissimam institutionem ne qua posset inquietare calumpnia provida et benevola se regis accinxit industria, præceptis eam roborans, edictis confirmans, beneficiis augens, cartis muniens, quarum unam presenti negotio adjacentem rerum series exposcit subscribi.

Willelmus[2] Anglorum rex omnibus fidelibus suis et

[1] i. e. St. Etheldreda.
[2] Liber Eliensis, 252 (Ang. Chris. Soc.).

vicecomitibus in quorum vicecomitatibus abbatia de Ely terras habet salutem. Præcipio ut abbatia habeat omnes consuetudines suas scilicet sacham et socham, toll et team, et infanganetheof, hamsocna et grithbriche, fihtwite et ferdwite infra burgum et extra, et omnes alias forisfacturas quæ emendabiles sunt in terra sua super suos homines. Has in quam[1] habeat sicut habuit die qua rex Edwardus fuit vivus et mortuus et sicut mea jussione dirationatæ sunt apud Ceneteford per pluras scyres ante meos barones, videlicet Gaufridum Constanciensem episcopum et Baldewinum abbatem et abbatem Æilsi et Wlwoldum abbatem et Ivonem Taillebois, et Petrum de Valloniis, et Picotum vicecomitem et Tielum de Helvin et Hugonem de Hosdeng et Gocelinum de Norwic et plures alios teste Rogero Bigot.

[An inquisition is now directed by the king in regard to certain lands held by others but claimed by the church, as the title stood when Edward the Confessor died, with orders that such as then belonged to the church should now be restored.]

Willelmus[2] rex Anglorum, Lanfranco archiepiscopo, et Rogero comiti Moritonii, et Gauffrido Constantiensi episcopo salutem. Mando vobis et præcipio ut iterum faciatis congregari omnes scyras quæ interfuerunt placito habito de terris ecclesiæ de Heli, antequam mea conjux in Normanniam novissime veniret. Cum quibus etiam sint de baronibus meis qui competenter adesse poterunt, et prædicto placito interfuerunt, et qui terras ejusdem ecclesiæ tenent. Quibus in unum congregatis, eligantur plures de illis Anglis qui sciunt quomodo terræ jacebant præfatæ ecclesiæ die qua rex Edwardus obiit,

[1] inquam?
[2] Liber Eliensis, 256 (Ang. Chris. Soc.).

et quod inde dixerint ibidem jurando testentur. Quo facto restituantur ecclesiæ terræ quæ in dominio suo erant die obitus Edwardi, exceptis his quas homines clamabant me sibi dedisse. Illas vero litteris mihi signate, quæ sint et qui eas tenent. Qui autem tenent theinlandes quæ proculdubio debent teneri de ecclesia, faciant concordiam cum abbate quam meliorem poterint, et si noluerunt terræ remaneant ad ecclesiam. Hoc quoque de tenentibus socam et sacam fiat. Denique præcipite ut illi homines faciant pontem de Heli, qui meo præcepto et dispositione hucusque illum soliti sunt facere.

[The following writ was issued concerning those who claimed under the king, an exchange of lands being promised.][1]

Willelmus rex Anglorum, Gosfrido episcopo, et Rodberto et comiti Moritonio, salutem. Facite simul venire omnes illos qui terras tenent de dominico victu ecclesiæ de Heli, et volo ut ecclesia eas habeat sicut habebat die qua Edwardus rex fuit vivus et mortuus, et si aliquis dixerit quod inde de meo dono aliquid habeat, mandate mihi magnitudinem terræ, et quomodo eam reclamat, et ego secundum quod audiero, aut ei inde escambitionem reddam, aut aliud faciam. Facite etiam ut abbas Symeon habeat omnes consuetudines quæ ad abbatiam de Heli pertinent, sicut eas habebat antecessor ejus tempore regis Edwardi. Præterea facite ut abbas saisitus sit de illis theinlandis quæ ad abbatiam pertinebant die quo rex Edwardus fuit mortuus, si illi qui eas habent secum concordare noluerint, et ad istud placitum summonete Willelmum de Gaurenna,

[1] Liber Eliensis, 256 (Ang. Chris. Soc.).

et Ricardum filium comitis Gisleberti, et Hugonem de Monteforti, et Goffridum de Mannavilla, et Radulfum de Belfo, et Herveum Bituricensem, et Hardewinum de Escalers, et alios quos abbas vobis nominabit.

[Another writ of the king concerning lands claimed by the abbot of Ely.][1]

Willelmus rex Anglorum, Lanfranco archiepiscopo, et Gosfrido Constantiensi episcopo, salutem. Facite abbatem de Heli resaisiri de istis terris quas isti tenent. Hugo de Monteforti, unum manerium nomine Bercheham; Ricardus filius comitis Gisleberti, Brochesheve; Picotus vicecomes Epintonam; Hugo de Bernervi III. hidas; Remigius episcopus I. hidam; episcopus Baiocensis II. hidas; Frodo frater abbatis I. manerium. Duo carpentarii I. hidam, et III. virgatas, si ipse abbas poterit ostendere supradictas terras esse de dominio suæ ecclesiæ, et si supradicti homines non poterint ostendere ut eas terras habuissent de dono meo. Facite etiam ut abbas prædictus habeat sacam suam et socam, et alias consuetudines sicut antecessor ejus habuit, die qua rex Edwardus fuit vivus et mortuus.

[The king's writ concerning privileges of Ely over certain hundreds of Suffolk.][2]

Willelmus rex Anglorum, Lanfranco archiepiscopo, Goisfrido Constantinensi episcopo, et Rodberto comiti de Moritonio, salutem. Facite Simeonem abbatem habere socam et sacam suam prout suus antecessor habuit, tempore regis Edwardi videlicet de quinque hundrez

[1] Liber Eliensis, 257 (Ang. Chris. Soc.).
[2] Ib. 258.

de Suthfulch, et ab omnibus viris qui terras tenent in illis hundrez, videte ne abbas prædictus quicquam injuste perdat et facite ut omnia sua cum magno honore teneat.

[The king's writ forbidding the bishop of Lincoln from requiring new customs of the church at Ely, &c.][1]

Willelmus rex Anglorum, Lanfranco archiepiscopo et Goisfrido episcopo, et Rodberto comiti de Moritonio, salutem. Defendite ne Remigius episcopus novas consuetudines requirat infra insulam de Heli. Nolo enim ut ibi habeat, nisi illud quod antecessor ejus habebat tempore regis Eadwardi, scilicet qua die ipse rex mortuus est, et si Remigius episcopus inde placitare voluerit, placitet inde sicut fecisset tempore regis Eadwardi, et placitum istud sit in vestra præsentia. De custodia de Norwic abbatem Symeonem quietum esse dimittite, sed ibi munitionem suam conduci faciat et custodiri. Facite remanere placitum de terris quas calumpniantur Willelmus de Ou et Radulfus filius Gualeranni et Rodbertus Gernon si inde placitare noluerint, sicut inde placitassent tempore regis Eadwardi, et sicut in eodem tempore abbatia consuetudines suas habebat, volo ut eas omnino faciatis habere, sicut abbas per cartes suas et per testes suos eas deplacitare poterit.

[The king's writ commanding induction of the abbot of Ely, &c.][2]

Willelmus rex Anglorum, Lanfranco archiepiscopo, salutem. Volo ut videas carthas abbatis de Heli, et si dicent quod abbas ejusdem loci debeat benedici ubicumque rex illius terræ præcipiet, mando ut eum ipsi

[1] Liber Eliensis, 258 (Ang. Chris. Soc.). [2] Ib. 259.

benedicas. Præterea fac ut illi faciant pontem de Heli, sine excusatione qui eum soliti sunt facere. Inquire per episcopum Constantiensem, et per episcopum Walchelinum, et per cæteros, qui terras sanctæ Ætheldrithæ, scribi et jurari fecerunt, quomodo juratæ fuerunt, et qui eas juraverunt, et qui jurationem audierunt, et quæ sunt terræ, et quantæ, et quot, et quomodo vocatæ, et qui eas tenent. His distincte notatis et scriptis, fac ut scito inde rei veritatem per brevem tuum sciam et cum eo veniat legatus abbatis.

[The king's writ commanding that the customs of Ely be preserved, &c.][1]

Willelmus rex Anglorum, Lanfranco archiepiscopo, et Goisfrido Constanciarum episcopo atque Rodberto comiti, salutem. Mando vobis ut abbatem de Heli, sine dilatione habere faciatis benedictionem, et terras suas atque omnes consuetudines ut vobis sæpe per breves meos mandavi. Et quicquid ipse per placitum de dominio adquisierit; nil cuiquam inde tribuat nisi mea licentia, et sede placitorum ei facite rectum, defendentes ut nullus ejus incidat silvas, munitionemque suam habeat in Norwic et homines sui sint ibi cum opus fuerit omniaque sua cum honore habeat teste Rogero de Ivreio.

[Another similar writ of the king.][2]

Willelmus rex Anglorum, Lanfranco archiepiscopo, et Goisfrido, salutem. Volo ut consecratio abbatis de Heli quam Remigius episcopus requirit, remaneat donec per litteras tuas cognoscam si Remigius monstravit, vel monstrare poterit, quod antecessores sui abbates de Heli, consecrassent. Quod at Christianitatem pertinet in illa

[1] Liber Eliensis, 259 (Ang. Chris. Soc.). [2] Ib. 260.

abbatia fiat, et consuetudines pro quibus Remigius vinum requirit ipse habeat sicut monstrare poterit antecessores ejus habuisse temporis regis Eadwardi. Molendinum de Grantebrugge quod Picotus fecit, destruatur si altera[1] disturbat. De dominicis terris sanctæ Ætheldrithæ sit abbas saisitus sicut alia vice præcepi, qui alteras tenent vel socam et sacam, de abbate recognoscant et deserviant aut eas dimittant.

CASES OF THIS REIGN OF LESS CERTAIN DATE.

[Abbot Serlo *v.* Archbishop Thomas.][2]

[The king's writ confirming judgment before himself in favour of the plaintiff as to certain lands.]

Willelmus, rex Anglorum, Wlstano episcopo Wygorniæ, et Willelmo filio Osberti, et omnibus baronibus et ministris suis de Gloucestria et de Wyrecestresyra, salutem. Sciatis me concessisse, et reddidisse, atque confirmasse, Deo, et Sancto Petro de Gloucestria, et Serloni abbati, et monachis ejusdem ecclesiæ, omnes terras suas quas Thomas archiepiscopus Eboracensis injuste tenebat, scilicet Lecche, Otintona, Stanedis, cum omnibus eisdem pertinentibus, sic solutas et quietas, sicut ante me recognitum est easdem terras ad ecclesiam præfatam Sancti Petri de Gloucestria a sui principio pertinuisse, et eundem archiepiscopum nullum jus in illis terris habuisse. Quare volo et firmiter præcipio ut

[1] Other MSS. "alteram."

[2] 2 Chron. Mon. Glouc. 107 (Rec. Com.).

ecclesia prænominata de Gloucestria has supradictas terras cum omnibus sibi pertinentibus, bene et in pace, libere et quiete, et honorifice teneat, cum sacca, et socna, et tollio, et theam, et infangenetheof, et cum omnibus rectitudinibus, legibus, et consuetudinibus, quas eidem ecclesiæ nostra regia potestate concessi. Et defendo super hoc ne aliquis ei injuriam vel torturam sive calumniam faciat super forisfacturam meam. Testibus Lanfranco archiepiscopo, Galfrido episcopo de Constantiis, et Roberto comite de Moretane.

[Case of Bishop Remigius.][1]

[Acquitted of charge of treason by the ordeal of fire, undergone by one of the defendant's household.]

[Remigius episcopus] de regia quoque proditione fuit aliquando accusatus, sed quidam famulus ejus igniti judicio ferri dominum purgans, regio amori restituit.

[Abbot Athellelm v. Officers of the King.][2]

[The king by his writ directs that the customs of Abingdon, as they may be proved by the abbot, shall be respected. The rights of the church proved by a charter of Edward the Confessor, and by the testimony of the county; the abbot being assisted by certain lawyers.]

Willelmus, rex Anglorum, Lanfranco archiepiscopo, Roberto de Oilleio, et Rogero de Pistri, et omnibus aliis,

[1] 2 Rog. de Wend. 24 (Eng. Hist. Soc.).
[2] 2 Hist. Mon. de Abingd. 1 (Rec. Com.).

fidelibus suis totius regni Angliæ, salutem. Sciatis me concessisse Sanctæ Mariæ de Abbendonia, et Athellelmo abbati ejusdem loci, omnes consuestudines terrarum suarum, quæcunque jacent in ecclesia prædicta, ubicumque eas habeat, in burgo vel extra burgum, secundum quod abbas iste Athellelmus poterit demonstrare, per breve vel cartam, ecclesiam Sanetæ Mariæ de Abbendona, et prædecessorem suum, eas consuetudines habuisse dono regis Eadwardi.

Quarum recitatio literarum in Berkescire comitatu prolata plurimum et ipsi abbati et ecclesiæ commodi attulit. Siquidem regii officiales illis diebus hominibus in ecclesiæ possessionibus diversis locorum manentibus multas inferebant injurias; nunc has, nunc vero illas consuetudines, eis pati satis graves, ingerentes. Sed exhibitis prædictis imperialibus mandatis, quibus rectitudines ecclesiæ per cartam Eadwardi regis et attestatione comitatus in eodem comitatu tunc publice ventilatæ, ipsi officiales repulsam sibi adversam, ecclesiæ autem commodam, suscepere; id viriliter domno Athellelmo abbate satagente. Cui plurimum auxilii ferebant duo ecclesiæ hujus monachi, germani quidem fratres, quorum major natu Sacolus, junior vero Godricus vocabatur, cum quibus et Alfwinus presbyter, tunc ecclesiam regiæ villæ Suttune huic viciuæ gubernans; quibus tanta secularium facundia et præteritorum memoria eventorum inerat, ut cæteri circumquaque facile eorum sententiam ratam fuisse, quam edicerent, approbarent. Sed et alii plures de Anglis causidici per id tempus in abbatia ista habebantur quorum collationi nemo sapiens refragabatur. Quibus rem ecclesiæ publicam tuentibus, ejus oblocutores elingues fiebant.

[The following writ appears immediately after the above.]

Willelmus, rex Anglorum, vicecomitibus suis, ministris totius Angliæ, salutem. Sciatis quod volo et præcipio ut omnia quæ ministri monachorum Abbendoniæ ement ad victum monachorum in civitatibus et burgis, et omnibus mercatis, omnino sint quieta ab omni theloneo et consuetudine; et prohibeo vobis, sicut me diligitis, ne aliquis vestrum amodo illis inde injuriam faciat. Teste Eudone dapifero, apud Burhellam.

[ABBOT OF ST. EDMUND *v.* ABBOT OF PETERBOROUGH.][1]

[The king's writ commanding the abbot of Peterborough not to molest the abbot of St. Edmund in carrying away stones for his church.]

WILLIELMUS rex Angliæ abbati de Burgo, salutem. Mando tibi et præcipio, ut permittas abbatem Sancti Edmundi sufficienter accipere de petra ad ecclesiam suam sicut hactenus habuit, et non amplius sibi impedimentum facias in adducendis petris ad aquam, quam antea fecisti. Teste episcopo Dunelmensi.

[ABBOT OF ST. AUGUSTINE'S CLAIM TO A SHIP.][2]

[The abbot of St. Augustine claims to have been disseised of a ship, and the king's son (the king being in Normandy) directs an

[1] Battely's Antiq. St. Edmund, 50.
[2] Hist. Mon. St. Aug. 353 (Rec. Com.).

inquisition to ascertain the truth. The fact found in favour of the abbot, and a writ issued, followed by another from the queen, ordering reseisin of the abbot.]

Willelmus filius regis Willelmo vicecomiti de Kent, salutem. Præcipio quod præcipias Hamoni, filio Vitalis, et probis vicinis de Sandwich, quos Hamo nominavit, ut dicant veritatem de nave abbatis de Sancto Augustino, et si navis illa perrexit per mare die qua rex novissime mare transivit, tunc præcipio ut modo pergat quousque rex in Angliam veniat, et interim resaisiatur inde abbas prædictus. Teste episcopo Sarum et cancellario, apud Wodstoke.

[Writ of execution of above on judgment.][1]

Willelmus filius regis Willelmo vicecomiti de Kent, salutem. Præcipio quod resaisias abbatem de Sancto Augustino de nave sua, sicut ego præcepi per meum aliud breve, et sicut recognitum fuit per probos homines comitatus, quod inde abbas erat saisitus, die qua rex mare novissime transivit; et in pace teneat. Teste cancellario, apud Wendesore. Et hoc sine mora, ne inde clamorem audiam amplius. Teste eodem.

[Another like writ by the Queen.][2]

Matilda regina Aussu. dapifero, salutem. Præcipio tibi, ut facias juste reddi navem abbatis de Sancto Augustino, et omnes suas res quæ captæ fuerunt. Et ponantur per plegios omnes illi homines, qui eam ceperunt; ut sint ad rectum regi quando eos habere voluerit. Et præcipio quod omnes suæ res sint in pace, sicut fuerunt die qua rex mare transivit, donec ipse in Angliam redeat. Teste episcopo Saresberiæ, apud Westmonasterium.

[1] Hist. Mon. St. Aug. 354 (Rec. Com.). [2] Ib.

[Abbot of St. Andrew *v.* Haimo et al.][1]

[The king's writ directing respect for the customs of the church of St. Andrew, as they existed in the time of Edward the Confessor.]

Willelmus Dei gratia rex Anglorum Haimoni dapifero et omnibus suis teignis in episcopatu Roffensi salutem. Mando et præcipio, ut eas consuetudines, quas ecclesia Sancti Andreæ Rofensis civitatis habuit in terris vestris, seu in annona, seu in porcis, vel aliis rebus, tempore Edwardi regis, habeat, et vos exolvatis.

[Bishop Gundulf *v.* Pichot, a Sheriff.][2]

[Bishop Gundulf claims a piece of land which Pichot, sheriff of Cambridge, had granted to O., as land of the king. The king having directed the county to meet and try the cause, judgment, through intimidation of Pichot, is given against the bishop. Odo, who acted as justiciar, doubting of the correctness of the decision, requires the court to elect twelve of their number who should confirm the decision, if they believed it true, by oath. These, in turn, intimidated by Pichot, give the confirmatory oath. Afterwards a monk who had been steward of the premises charges perjury upon the court, and the bishop, changing the venue, now brings suit for a false judgment, and recovers the land. Judgment, further, on ordeal of hot iron, against the twelve who had confirmed the first decision.]

Tempore Willelmi regis Anglorum magni, patris Willelmi regis ejusdem gentis, fuit quædam contentio inter Gundulfum Hrofensem episcopum et Pichot vicecomitem de Grendebruge pro quadam terra quæ erat de Fracenham et jacebat in Giselham, quam quidam regis serviens Olchete nomine vicecomite dante præsumpserat occupare.

[1] 1 Anglia Sacra, 338. [2] Ib. 339; Hickes, Dis. Epist. 33.

Hanc enim vicecomes regis esse terram dicebat; sed episcopus eandem Sancti Andreæ potius esse affirmabat. Quare ante regem venerunt. Rex vero præcepit, ut omnes illius comitatus homines congregarentur; et eorum judicio cujus terra deberet rectius probaretur. Illi autem congregati terram illam regis esse potius quam beati Andreæ timore vicecomitis affirmaverunt. Sed cum illis Baiocensis episcopus, qui placito præerat, non bene crederet; præcepit ut si verum esse quod dicebant scirent, ex seipsis duodecim eligerent, qui quod omnes dixerant jurejurando confirmarent. Illi autem cum ad consilium secessissent, et inibi a vicecomite per internuntium conterriti fuissent; revertentes verum esse quod dixerant juraverunt. Hi autem fuerunt Edwardus de Cipenham, Heruldus et Leofuuine saca de Exninge, Eadric de Giselham, Wlfuuine de Landuuade, Ordiner de Berlingeham, et alii sex de melioribus comitatus. Quo facto, terra in manu regis remansit. Eodem vero anno monachus quidam Grim nomine, quasi a Domino missus, ad episcopum venit. Qui cum audiret hoc quod illi juraverant; nimium admirans, et eos detestans, omnes esse perjuros affirmavit. Ipse enim monachus diu præpositus de Frachenham extiterat, et ex eadem terra servitia et costumas ut de aliis terris de Frachenham susceperat, et unum ex eisdem qui juraverant in eodem manerio sub se habuerat. Quod postquam episcopus Hrofensis audivit; ad episcopum Baiocensem venit, et monachi verba per ordinem narravit. Quæ ut episcopus audivit, monachum ad se venire fecit, et ab ipso illa eadem didicit. Post hæc vero unum ex illis qui juraverant ad se fecit venire; qui statim ad ejus pedes procidens, confessus est se perjurum esse. Hinc autem cum illum qui prius juraverat ad se venire fecisset; requisitus se perjurum esse similiter

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confessus est. Denique mandavit vicecomiti, ut reliquos obviam sibi Londoniam mitteret, et alios duodecim de melioribus ejusdem comitatus, qui quod illi juraverant verum esse confirmaverant. Illuc quoque fecit venire multos ex melioribus totius Angliæ baronibus. Quibus omnibus Londoniæ congregatis, judicatum est tam a Francis quam ab Anglis illos omnes perjuros esse; quandoquidem ille, post quem alii juraverant, se perjurum esse fatebatur. Quibus tali judicio condemnatis, episcopus Hrofensis terram suam ut justum erat habuit. Alii autem duodecim cum vellent affirmare iis qui juraverant se non consensisse; Baiocensis episcopus dixit, ut hoc ipsum judicio ferri probarent. Quod quia se facturos promiserunt, et facere non potuerunt; judicantibus aliis sui comitatus hominibus, trecentas libras regi dederunt.

[Abbot Scotland's Claim to Prebends of Newington.][1]

[The king's writ confirming judgment rendered in favour of abbot Scotland concerning eight prebends in Newington.]

Willelmus, Dei gratia rex Anglorum, Lanfranco archiepiscopo, Rodberto et Rogero comitibus, et totius Angliæ optimatibus, salutem. Scitote quod reddo Sancto Augustino et abbati Scotlando et fratribus loci, octo præbendas in Nywentone, et omnes terras ad illas pertinentes, liberas et quietas, cum omnibus consuetudinibus, sicuti testimonium perhibuit comitatus Cantiæ coram Lanfranco archiepiscopo, et Eudone meo dapifero, et Willelmo de Archis et Radulpho de Curba Spina

[1] Hist. Mon. St. Aug. 349 (Rec. Com.).

cæterisque meis optimatibus illius comitatus. Volo ergo et præcipio, ut a modo firmiter et honorifice jam dictus abbas et locus eas habeat, teneat, possideat in perpetuum, sicuti antecessores ejus melius tenuerunt. Et ei aliquis sibi aliquam inde fecerit injuriam, vos illi rectum facite. Teste Godefrido episcopo Constantiensi apud Rotomagum. Valete.

DOOMSDAY INQUISITIONS.

[Customs of Foreign Merchants.]

Quidam præpositus Brumannus nomine tempore regis Edwardi cepit consuetudines de extraneis mercatoribus in terra Sancti Kinitatis et Sancti Augustini. Qui postea tempore regis Willelmi ante archiepiscopum Lanfrancum et episcopum Baiocensem recognovit se injuste accepisse, et sacramento facto juravit quod ipsæ æcclesiæ suas consuetudines quietas habuerunt regis Edwardi tempore. Et exinde utreque æcclesiæ in sua terra habuerunt consuetudines suas, judicio baronum regis qui placitum tenuerunt.[1]

[Church and Aqueduct at Southwark. The King's Writ and Seal.]

Ipse episcopus [Odo] habet in Sudwerche unum monasterium et unum aque fluctum. Rex Edwardus tenebat die qua mortuus fuit. Qui æcclesiam habebat,

[1] 1 Doomsday, 2. Doomsday was completed in 1086.

de rege tenebat. De exitu aquæ ubi naves applicabant, rex habebat II. partes, Godwinus comes terciam. Testantur vero homines de hundredo Franci et Angli, quod episcopus Baiocensis [Odo] cum Rannulfo vicecomite de his placitum inierit, sed ille intelligens placitum non duci per rectitudinem ad proficuum regis, placitum deferuit. Episcopus autem dedit æcclesiam et fluctum primum Adeloldo, deinde Radulfo pro excambio unius domus. Vicecomes quoque negat se preceptum vel sigillum regis de hac re unquam percepisse. Homines de Suduuerca testantur quod tempore regis Edwardi nullus capiebat theloneum in strande vel in vico aquæ, nisi rex. Et siquis forisfaciens ibi calumpniatur fuisset, regi emendabat. Si vero non calumpniatus abisset sub eo qui sacam et socam habuisset, ille emendationem habet.[1]

[Lands of Hugh de Port. Proof by Oath or Ordeal offered.]

Istam terram calumniatur Willelmus de Chernet, dicens pertinere ad manerium de Ceredeford feudum Hugonis de Port, per hereditatem sui antecessoris, et de hoc suum testimonium adduxit de melioribus et antiquis hominibus totius comitatus et hundredi, et Picot contraduxit suum testimonium de villanis et vili plebe et de præpositis, qui volunt defendere per sacramentum aut per Dei judicium, quod ille qui tenuit terram liber homo fuit et potuit ire cum terra sua quo voluit. Sed testes Willelmi nolunt accipere legem nisi regis Edwardi usque dum diffiniatur per regem.[2]

[1] 1 Doomsday, 32. [2] Ib. 44 b.

[The Manor of Spersold. The King's Writ and Seal.]

De hoc manerio [Spersold] scira attestatur quod Edricus qui eum tenebat deliberavit illum filio suo qui erat in Abendone monachus, ut ad firmam illud teneret, et sibi donec viveret necessaria vitæ inde donaret, post mortem vero ejus manerium haberet. Et ideo nesciunt homines de scira quid abbatiæ pertineat. Neque enim inde viderunt brevem regis et sigillum. Abbas vero testatur quod in tempore regis Edwardi misit ille manerium ad æcclesiam unde erat, et inde habet brevem et sigillum regis Edwardi attestantibus omnibus monachis suis.[1]

[Berkley given by a Nuncupative Will.]

Hoc manerium [Berchelai] isdem Wluuinus tempore regis Edwardi de episcopo Cestrensi ad ætatem trium hominum. Qui cum infirmatus ad finem vitæ venisset, vocato filio suo episcopo Li. et uxore sua et pluribus amicis suis, dixit. Audite vos amici mei. Hanc terram quam ab æcclesia emi, volo ut teneat uxor mea dum vixerit, et post mortem ejus, recipiat æcclesia de qua accepi, et qui inde abstulerit, excommunicatus sit. Hoc ita fuisse testificantur meliores homines totius comitatus.[2]

[1] 1 Doomsday, 59.

[2] Ib. 177.

[LAND CLAIMED BY THE CHURCH AT ELY.]

Goscelinus Loremarius habet terram unius et non reddit consuetudinem, scilicet I. hidam quam calumpniantur monachi Sanctæ Adeldrede, de Eli, et hundret testatur eis de dimidia parte et de alia parte nichil sciunt.[1]

[LAND OF EARL RALPH. PROOF BY ORDEAL OFFERED.]

In Brecles, quarta pars unius acræ, et quedam consuetudo in pastura hoc jacuit in Saham in tempore regis Edwardi et modo similiter, sed Godricus eam revocat ad se [fe]udum comitis Radulfi in Stou, dicens quod ipse eam tenuerit duobus annis antequam forisfaceret, et duobus annis postea, ex hoc offert quidam famulus regis de Stou portare juditium.[2]

[LANDS OF EARL RALPH. PROOF BY ORDEAL OFFERED.]

In Britringa VII. acræ silvæ et I. acra terræ, in qua sunt IIII. bordarii. Hoc revocat Godric ad feudum Radulfi comitis, et quedam femina que hoc tenuit tempore regis Edwardi vult ferre judicium quod dissolutus est a vadimonio. Hoc tenet Siuuardus in vadimonio.[3]

[1] 2 Doomsday, 2. [2] Ib. 110 b. [3] Ib. 137.

[LANDS OF EARL ALAN. PROOF BY ORDEAL OR BATTLE OFFERED.]

In Matelesc ubi comes Alanus tenet calumpniatur I. homo regis XVI. acras terræ offerendo juditium vel bellum contra hundredum, quod testatur eos comiti, sed quidam homo comitis vult probare quod hundredum verum testatur, vel juditio vel bello.[1]

[LANDS OF EARL RALPH. PROOF BY ORDEAL OFFERED.]

Hanc [æcclesiam vel terram] calumpniatur Godric ad feudum Radulfi quod jacuit in Stohu, et inde vult unus homo Godric portare juditium.[2]

[CHURCH AND LAND IN GRESTON. PROOF BY ORDEAL OFFERED.]

In Grestuna, I. æcclesia, et X. acræ terræ hoc calumpniatur Godric jacere tempore Radulfi comitis in Stou, et homines de hundredo eam testantur ad feudum Willelmi de Warena et quidam regis homo vult ferre judicium quod jacuit in Stou, quando forisfecit se Radulfus et uno anno prius, et uno anno postea.[3]

[LANDS OF WILLIAM OF WARREN. LIVERY OF SEISIN.]

Hundret de Droscros. Helgatuna tenet Willelmus

[1] 2 Doomsday, 146 b. [2] Ib. 162. [3] Ib. 166.

de Warena, de feudo Frederici, I. liber homo, ideo quod antecessor ejus ita tenuit, quod non posset recedere a terra nisi licencia illius, et hundret hoc testatur, et quidam homo, Drogonis, de Bevraria Franco nomine calumpniatur illam ad feudum domini sui, de dono regis, de liberatione, dicens quod antecessor ejus tenuerit, Heinfridus, scilicet tempore Frederici et post eum tenuit Drogo et hundret testatur hoc quod ipsi tenuerunt sed hundret non videt in brevem nec liberatorem.[1]

[LANDS OF WILLIAM OF WARREN. PROOF BY ORDEAL OFFERED.]

Hundret Gilhou. In Norbursam quod tenet Willelmus de Warena, tenet[2] Heraldus II. liberos homines de I. carucata terræ pertinentes ad Saganaham et modo tenet Willelmus set homines sui nesciunt quomodo, et hundret testatur eos, Willelmo quod ex eis est saisitus. Sed homo regis offert judicium quod pertinebant tempore regis Edwardi ad Saganaham. Manu regis.[3]

[LANDS OF EARL RALPH. PROOF BY ORDEAL OR BATTLE OFFERED.]

Hanc terram [in Biskele] calumpniatur Godricus dapifer, per hominem suum juditio vel bello, Radulfus scilicet, quod tenuit ad feudum comitis R. et hundret

[1] 2 Doomsday, 172. [2] tenuit? [3] 2 Doomsday, 172 b.

testatur ad feudum Rogeri Bigot. Sed Godricus reclamat istam cum medietate quæ est in breve regis. Hanc recepit Godricus pro dimidia carucata terræ.[1]

[LANDS OF EARL ALAN. PROOF BY ORDEAL OFFERED.]

Dimidium unum ex his [in Stratuna] calumpniatur quidem[2] homo comitis Alani, et dicens quod R. eum tenuit priusquam forisfaceret. Ex hoc offert judicium.[3]

[LAND IN PHOTESTORP. PROOF BY BATTLE OR ORDEAL OFFERED.]

Hanc terram [in Photestorp] calumpniatur esse liberam Ulchetel homo Hermeri, quoque modo judicetur, vel bello vel juditio, et alius est præsto probare eo modo quod jacuit ad ecclesiam die qua rex Edwardus obiit. Sed totus hundret testatur eam fuissæ[4] tempore regis Edwardi ad Sanctam Adeloldam.[5]

[STATUS OF A CERTAIN FREEMAN. PROOF BY ORDEAL OFFERED.]

In Evelincham tenet Stanuinus liber homo commendatus Heroldo tempore regis Edwardi sicut hundret testatur, set ipse solus offert juditium, dicens se fuisse hominem Edrici antecessoris Rogeri Malet.[6]

[1] 2 Doomsday, 176. [2] quidam. [3] 2 Doomsday, 193.
[4] fuisse. [5] 2 Doomsday, 213. [6] Ib. 332.

[Status of certain Freemen. Proof "omni lege."]

In eadem [terra] XVII. liberi homines sunt additi huic manerio [Staham] tempore regis Willelmi, de quibus nichil habuit antecessor Rogeri Bigot. Istos liberos homines calumpniatur Rogerus de Ramis tenuisse ad suum feudum antequam Rogerus Bigot terram recepisset in Sudfolc, sed hundret testatur quod Rogerus Bigot eos recepisset prius ad suum feudum, et hoc contradicit Rogerus de Ramis omni lege.[1]

[Land in Hamingeston. Proof "omnibus legibus."]

Totam terram Wicolfi [V. acræ in Hamingestuna], et hos omnes liberos homines quod tenet Warengus de Rogero Bigot, calumpniatur Rogerus de Raimis, et dicit quod sibi liberatum fuit priusquam Rogero Bigot, et hundret nescit ex hoc verum dicere, quia ille Garengerus de utroque tenebat, sed tamen ille Warengerus revocat ad feudum Rogeri Bigot, et Rogerus de Ramis hoc contradicit omnibus legibus.[2]

[Forfeited Lands.]

Ex hoc presbytero [Suarino] erat saisitus Galterus Dedol quando forisfecit suam terram, et comes Hugo postea sicut hundret testatur. Et Normannus dicit quod rex misit ei unum brevem ut saisiret Radulfum de

[1] 2 Doomsday, 337 b. [2] Ib. 338.

Savigni ex omnibus liberis hominibus ex quibus Hubertus de Portu saisierat episcopum et ideo Normannus saisivit Radulfum ex hoc presbytero set tamen nescit si Ubertus prius saisierat episcopum de illo, et hoc invenerunt barones regis in pace inter Rogerum Bigot et Hugonem comitem quando venerunt in comitatum et ita erit in pace donec sit derationatus.[1]

[LAND HELD BY A CERTAIN FREEMAN.]

In Wimundestuna, VI. liberi homines, de sexto qui vocatur Bricterus, nescit hundret si potuit terram suam vendere vel non tempore regis Edwardi, sed testatur quod viderunt eum jurare quod non poterant dare vendere terram suam ab antecessore Ricardi.[2]

[LAND IN GROTON.]

Hanc [terram in Grotena] invasit Rogerus de Orbec et tenet sub Ricardo filio Gisleberto, et homines Ricardi revocant ad feudum Wisgari antecessoris sui. Sed sicut hundret testatur nunquam pertinuit, nec commendatio nec soca.[3]

[LANDS CLAIMED BY THE BISHOP OF BAYEUX AGAINST THE MOTHER OF ROBERT MALET.]

De calumpniis inter episcopum Baiocensem et matrem

[1] 2 Doomsday, 377. [2] Ib. 397 b. [3] Ib. 447 b.

Robertus Malet. Hertesmera hundret. In Acolt, XX. acras tenet Brictere liber homo Stigandi, semper I. bordarius et valet XL. d. Hanc terram dedit Stigandus matri Roberti Malet, et ipsa eam postea tenuit de regina, modo episcopo. In eadem Chericus liber homo dimidium subcommendatus antecessori Roberti Malet, et dimidium commendatus Saxo antecessori Radulfi Piperelli, XX. acras et II. bordarios et I. carucatam et valet XL. d.

Biscopes hundret. In Badingefelda tenent Brictere et Chericus supradicti XL. acras supradicto modo. Tunc I. carucata, modo dimidium. Silva, XL. porcis et I. liber homo commendatus Brictredo, V. acræ totum valet XL. solidi. Hertesmera hundret. In Aspala, IIII. liberi homines de Rulfo commendati abbati de Eli, et Turstanus commendatus Saxa,[1] et Marculfus commendatus Edrici antecessori Roberti Malet, et Grunulfus subcommendatus antecessori Roberti Malet, LXXXVI. acræ et VII. bordarii. Semper III. carucatæ II. acræ prati. Semper valuit XL. solidi. Ex hac terra fuit Willelmus Malet saisitus, sic hundret testatur antequam episcopus Baiocensis; et postea venit Hubertus de Portu, et deracionavit liberam terram et saisivit episcopum ex hac terra quod liberi homines eam tenebant, et die qua Radulfus comes forisfecit mater Roberti inde saisita erat teste hundret, et usque ad placitum de Hodiham, modo est in pace regis, sicut rex præcepit iterum episcopum et matrem Roberti.[2]

[1] Saxo?

[2] 2 Doomsday, 450.

CLAMORES DE EURUICSCIRE.[1]

[EARL HUGH v. WILLIAM DE PERCY.]

IN Nort Reding. In Langeberge wapentac calumpniatur Hugo comes super Willelmum de Perci I. carucatam terræ, in Figelingæ, dicens eam pertinere ad Witebi. Sed testimonium non habet.

[RALPH PAGENEL v. CHURCH OF ST. PETER OF YORK.]

In Maneshou wapentac calumpniatur Radulfus Pagenelus VI. bovatas terre in Stainegrif, de terra Ulf, sed homines qui juraverunt dicunt, esse Sancti Petri Eboracensis.

[LANDS OF WILLIAM MALET.]

Æsreding. Terram Norman filii Ulf in Brentingham quam habet Nigel Fossard, dicunt homines qui juraverunt quod Willelmus Malet habuit in dominio. Similiter dicunt de terra Ulf diaconi, quam habuit in Cave. Nigel habet eam, sed Willelmus Malet habuit.

[LAND CLAIMED BY RALPH MORTIMER.]

Tres bovatas terre et dimidiam quas clamat Radulfus de Mortemer in Lont, testimonium hominum qui juraverunt fuere Alnuini antecessoris Gisleberti Tison, non Eddivæ cujus terram habet Radulfus de Mortemer.

[1] 1 Doomsday, 373, 374.

[LAND OF ASA.]

[Sole and separate estate of a married woman.]

De omni terra Asæ testantur quod Roberti Malet debeat esse, eo quod ipsa habuit terram suam separatam et liberam a dominatu et potestate Bernulfi mariti sui, etiam cum simul essent ita ut ipse de ea nec donationem nec venditionem facere, nec forisfacere posset. Post eorum vero separationem, ipsa cum omni terra sua recessit, et eam ut domina possedit. Homines autem de comitatu tam de illa quam de tota terra ejus Willelmum Malet saisitum viderunt, donec invasum est castellum. Hoc attestantur de omni terra Asæ quam habuit in Euruicscire.

[GILBERT TISON *v.* BISHOP OF DURHAM.]

Socam quam clamat Gislebertus Tison in Birland, dicunt esse debere episcopi Dunelmensis in Houedon.

[BISHOP OF DURHAM *v.* ROBERT MALET.]

Quattuordecim bovatas terræ quas clamat episcopus Dunelmensis super Robertum Malet in Bellebi, dicunt fuisse Mule et Egbrand et Basin et Orm, cum saca et soca, et hanc terram habuit Wilelmus Malet.

[LANDS OF WILLIAM MALET.]

De VII. carucatis terræ in Nort Dufelt quas habet Nigel, dicunt fuisse saisitum Willelmum Malet, et habuisse terram et servitium donec fractum est castellum.

[THE KING *v.* NIGEL.]

Duas carucatas quas habet Nigel in Sud Dufelt, dicunt pertinere regis dominio in Poclinton. Reliquas vero VI. carucatas ibidem habuit Willelmus Malet quamdiu tenuit castellum de Euruic, et homines servitium reddebant ei.

[LANDS OF WILLIAM MALET.]

Tres carucatæ terre in Cliue, et tres carucatæ in Ansgotebi, Nigel eas tenet, sed dicunt qui juraverunt quia Willelmus Malet habuit hanc terram in dominio, quamdiu in Euruicscire terram tenuit [esse Willelmi].

[LANDS OF WILLIAM MALET.]

Totam terram Norman filii Malcolumbe quam habuit in Estreding, testatur omnis comitatus Willelmum Malet tenuisse in suo dominio, quamdiu in Euruicscire terram tenuit.

[BISHOP OF DURHAM *v.* CANONS OF BEURELI.]

Socam quam clamat episcopus Dunelmensis de V. carucatis terre et II. bovatis, dicunt vere jacuisse in Welletone, sed canonici de Beureli clamant de ea donum regis Willelmi et confirmationem. Similiter de soca unius carucatæ terræ in Neutone, quam clamat episcopus Dunelmensis ad Welletone, dicunt quia tempore regis Edwardi sic fuerit, sed clerici eodem modo clamant de rege.

[LANDS OF WILLIAM MALET.]

Totam villam Scornesbi (est VI. carucatæ terre) testantur fuisse Willelmi Malet, et in dominio eam possedisse. Similiter, XIIII. bovatas terræ in Lanulfestorp, et in Domniton terram Norman et Alden, testantur Willelmi Malet fuisse et eas in dominio tenuisse.

[WILLIAM DE PERCY *v.* NIGEL.]

De terra Sonulfi in Grimeston quam Nigel tenet et Willelmus de Perci clamat, nesciunt quis eorum habere debeat.

[ARCHBISHOP OF YORK *v.* GILBERT TISON.]

Sex bovatas terræ in Rudetorp quas clamat archiepiscopus testantur Gisleberti Tison esse debere.

[Robert Malet v. William de Percy.]

Sex carucatas terre Ulchil in Aluuintone, quas habet Willelmus de Perci, testantur ad opus Roberti Malet, quia pater suus habuit, sicut superiores terras.

[Lands of William Malet.]

Terram IIII. carucatas in Coldrid quam tenet Willelmus de Perci de qua pertinet soca in Cliftune, testantur qui juraverunt non solum illas IIII. carucatas, sed etiam totam villam Coldrid Willelmum Malet in dominio tenuisse et de ea saisitum fuisse.

[Richard de Surdeval v. The King.]

In Logetorp clamat Ricardus de Surdeual terram Norman et Asæ, sed dicunt qui juraverunt regis esse debere.

[The King v. Odo.]

In Scarpinberg et Scardiztorp habet Odo balistarius terram Orm et Bunde, sed horum qui juraverunt testimonium regis debet esse.

[LANDS IN RISBY.]

In Risbi habuit Gamel IIII. carucatas terre quas vendidit Ældredo archiepiscopo, tempore regis Willelmi. De hac terra jacuit olim soca in Welleton, sed Thomas archiepiscopus habuit brevem regis Willelmi, per quem concessit ipsam socam quietam Sancto Johanni de Beureli. Similiter de IIII. carucatis terre in Walchinton pertinebat soca ad Welleton, sed rex Willelmus donavit eam quietam Eldredo archiepiscopo, testante wapentac qui brevem regis inde vidit et audivit.

[LAND AT TORNOURE.]

In Wesreding. Homines de Barcheston wapentac et de Siraches wapentac perhibent Osberno de Arcis testimonium, quod Gulbertus antecessor ejus habuit omnem Tornoure, nesciunt cujus dono. Id est IIII. maneria VIII. carucatæ terræ. Sed omnis Tornoure sedet infra metam castelli Huberti, secundum primam mensuram et secundum vovissimam mensuram sedet extra.

[ROGER DE BUSLI *v.* WILLIAM DE WARENNA.]

Homines de Strafordes wapentac testificantur ad opus Willelmi de Warenna, II. carucatas de terra Siuuardi in Cliftune, quam clamabat Rogerus de Busli.

[LANDS OF NIGEL FOSSARD.]

Dicunt quod Nigellus Fossard debet habere in Sandale VII. bovatas terre de terra Aluuini, unde soca pertinet ad Coningsburg, et in eadem villa I. æcclesiam, de qua jacet soca in Coningesburg.

[LANDS OF NORMAN.]

Duo marescalli saisierunt terram Normanni, et tenuerunt. Nesciunt homines de wapentac quonam modo nec ad cujus opus. Sed viderunt eos tenentes.

[ERNWIN *v.* OSBERN DE ARCIS.]

In Scachertorp et in duabus Popletunis, VI. carucatæ terræ et dimidia de terra Ernuin Catenase, quam tenet Osbernus de Arcis, testantur ad opus Malet, et dicunt quod Ernuin presbyter debet habere de Roberto Malet. Ita testificantur, quod Willelmum Malet viderunt saisitum et tenentem, et homines de terra servitium sibi fecerunt, et homines ejus fuerunt, sed nesciunt quomodo habuit.

[LANDS OF WILLIAM MALET.]

Willelmus de Perci advocat pares suos in testimonium, quod vivente Willelmo Malet et vicecomitatum tenente in Euruic, fuit ipse saisitus de Bodetone et eam tenuit.

[Drogo *v.* Church of St. John of York.]

Omnem terram quam calumpniabatur Drogo super Sanctum Johannem testificata est ad opus ipsius Sancti Johannis per homines de treding et per donum regis Willelmi quod dedit Sancto Johanni tempore Ældredi archiepiscopi. De hoc habent canonici sigillum regis Edwardi et regis Willelmi.

[Lands of William Malet.]

Homines de Heldernesse qui juraverunt testificati sunt ad opus Willelmi Malet terras has infra notatas, ita quod viderunt eas saisire in manu ejusdem Willelmi, et viderunt eum habentem et tenentem, usque Dani ceperunt illum, sed de hoc breve regis vel sigillum non viderunt. [Then follows a designation of lands in eighteen manors.]

CLAMORES QUÆ FUERUNT IN SUDTREDING LINCOLIÆ, ET CONCORDIA EORUM PER HOMINES QUI JURAVERUNT.[1]

[Men of Bishop Odo *v.* Robert, the Dispenser.]

In Tadeuuelle hundred clamant homines episcopi Baiocensis I. carucatam terre super Robertum dispensatorem,

[1] 1 Doomsday, 375—377 b.

et homines de wapentac dicunt quod ipse episcopus jure debet habere. In eodem hundred clamant homines ejusdem episcopi super Hugonem comitem III. bovatas terræ, et wapentac dicit quod ipse episcopus debet habere. In eodem hundred molendinum quod fuit Agemund, et post eum habuerunt Lanbertus et Gozelinus filius ejus, dicit wapentac quod Robertus dispensator debet habere cum terra sua. In Lude hundred clamat episcopus Lincolie, I. molendinum super Alanum comitem, et wapentac testatur ejusdem episcopi esse debere.

[LOSWARD *v.* GILBERT DE GAND.]

In Richesbi hundred clamat Losuardus super Gislebertum de Gand in Welle, I. carucatam terre. Homines de treding dicunt quod tempore regis Edwardi habuit Turolf cum saca et soca, et post eum habuit Tonna, et ista terra fuit deliberata episcopo Odoni per cartam, sed non viderunt inde brevem regis, et ipse habebat ea die qua fuit captus, et postea dissaisitus.

[RAYNER DE BRIMON *v.* EARL HUGH.]

In eodem hundred clamat Raynerus de Brimou super Hugonem comitem in Ulesbi, II. bovatas terræ, et homines de treding dicunt quod non debet habere nisi socam in Combreuorde, et comes terram.

[Bishop of Durham *v.* Gilbert de Gand.]

In Wilgebi hundred clamat episcopus Dunelmensis super Gislebertum de Gand terram Alnot presbyteri, et dicunt homines de treding quod nunquam viderunt antecessorem episcopi fuisse saisitum neque per brevem neque per legatum, et testantur ad opus Gisleberti.

[Bishop of Durham and Eudo.]

De calumpnia inter episcopum Dunelmensem et Eudonem filium Spireuuic, portaverunt testimonium homines de Hornecastre wapentac annuente toto treding, quod III. fratres Herold et Godeuert et Aluric diviserunt dominicam terram patris sui æqualiter et pariliter, et solummodo Herold et Godeuert diviserunt socam patris sui sine tercio fratre, et equaliter et pariliter tenuerunt eam tempore regis Edwardi.

[Same Parties.]

De soca VI. bovatarum unde est calumpnia inter episcopum et Eudonem in Langetone et in torp, dicunt homines de Waragehou wapentac quod prædicti duo fratres equaliter et pariliter habuerunt socam tempore regis Edwardi sed eo anno quo isdem rex mortuus est filii Godeuert habebant socam totam, sed nesciunt qua ratione eam habebant, utrum vi, vel dono patrui sui.

[Robert, the Dispenser, v. Gilbert de Gant.]

De calumpnia quam Robertus dispensator facit super Gislebertum de Gant de silva quæ est in Langetone, dicit Waragehou wapentac quod Tonna habebat tempore regis Edwardi cum saca et soca in Badeburg, et ideo jure habet Gislebertus de Gand, annuente toto treding.

[Robert, the Dispenser, v. The King.]

De silva minuta quam clamat Robertus dispensator super regem in Gaintone, et super Ernegis de Burun in Waragebi, nihil ibi habet testimonium wapentac. Sed super XII. acras comitis Hugonis, et super VIII. acras episcopi Baiocensis, habet socam per testimonium hominum wapentac et treding.

[Archbishop Thomas v. Ivo Tailbois.]

De calumpnia quam archiepiscopus Thomas faciebat, hoc est quod debebat habere socam super terram Siuuard antecessoris Ivonis Tallebosc, dicit wapentac et treding quod Siuuard tam bene tenuit terram suam cum saca et soca, sicut Goduinus antecessor archiepiscopi, et ideo non recte clamat.

[Archbishop Thomas v. Bishop Odo.]

Archiepiscopus Thomas debet habere socam super

terram Aschil quam habet episcopus Baiocensis in Ulingeham, quia sicut testatur totus comitatus, antecessor archiepiscopi habuit sacam et socam super eandem terram, et homines episcopi injuste auferunt eidem archiepiscopo eandem socam.

[LANDS OF ARCHBISHOP THOMAS.]

Tempore regis Edwardi fuit saisitus Almær antecessor archiepiscopi Thomæ de soca X. bovatarum in Ulingeham. Hæc terra fuit Code, et modo est Rayneri de Brimou, et pro III. libris fuit invadiata, tempore regis Edwardi et modo affirmant homines de treding, quod archiepiscopus jure debet habere hanc socam, quousque ei reddantur III. libri.

[ROBERT, THE DISPENSER, *v.* GILBERT DE GANT.]

De II. carucatis terræ quas calumpniat Robertus dispensator super Gislebertum de Gant in Screnbi per Wiglac antecessorem suum, dicit wapentac non eum habuisse nisi I. carucatam, et soca de ipsa erat in Bardenai. Wiglac autem forisfecit eam terram contra dominum suum Gislebertum et ideo Robertus nil habet ibi testimonio treding.

CLAMORES IN NORTREDING.

[IVO TAILBOIS *v.* THE KING.]

In Limberge clamat Ivo Tallebosc super regem VI. bovatas terre. Dicunt homines comitatus quod ipse debet habere terram, et rex socam.

[TOLL.]

Homines Radulfi de Mortemer et homines Losoardi accipiunt novum theloneum in Grimesbi, quod non fuit tempore regis Edwardi sed Losoardus negat suos homines fecisse per eum.

CLAMORES IN CHETSTEVEN.

[ROBERT DE TODENI *v.* JUDITH.]

In Pamptune tenet Judita comitissa II. maneria quæ fuerunt Ælmeri et fratrum ejus. Robertus de Todeni calumpniatur, et wapentac portat ei testimonium quod deliberata sunt ei in escangio pro Morestune.

[GILBERT DE GAND *v.* ROBERT DE VECI.]

In Catorp hundred clamat Gislebertus de Gand super Robertum de Veci pratum quod fuit Eilric antecessoris sui, sed wapentac dicit quod isdem Ælric totum pratum habuit, nec antecessor Gisleberti inde aliquid habuit, nisi per locationem mercedis.

[CLAIMS OF DROGO DE BEURERE.]

Clamores quos Drogo de Beurere facit super terras Morcari, dimittunt in judicio regis.

[CLAIM OF WALTER DE AINCURT.]

Walterus de Aincurt clamat servitium hominum Widonis de Rembudcurt in manerio Sidestan, sed non habet rectum clamorem.

[DROGO *v.* WIDO.]

In Wellebi hundred clamat Drogo IIII. carucatas terre super Widon de Credun, sed wapentac portat Widoni testimonium quod jure ejus sunt.

[EARL ALAN *v.* WIDO.]

Wido de Credone tenet in Draitone IIII. bovatas terræ et in Bichere hundred X. bovatas, de terra Adestan Godramsune. Hoc calumpniatur comes Alanus, et Alger homo ejus dedit vadimonium baronibus regis, ad confirmandum per judicium aut per bellum, quod ipse Adestan de his XIIII. bovatis saisitus non fuit, tempore regis Edwardi. E contra homo Widonis Alestan de Frantone dedit suum vadimonium ad convincendum quod inde saisitus erat cum saca et soca, et Wido inde fuit saisitus ex tempore Radulfi stalre usque nunc, et modo tenet.

[SAME PARTIES.]

Guerd homo Alani comes dedit vadimonium ad affirmandum quod antecessor Alani comitis habuit VI. bovatas terræ cum saca et soca in Gosebert cherche, et ideo Wido de Credun non recte eas clamat.

[ABBOT OF TAVISTOCK. MANOR OF OLWRITON.]

De mansione quæ vocatur Olwritona erat saisitus abbas Tauestochensis ea die qua rex Willelmus misit barones suos ad inquirendas terras Angliæ, et antecessor suus ante eum fuerat inde saisitus, et per barones regis inde desaisitus fuit, propter quod hoc testati sunt Angli quod ad abbatiam non pertinuit ea die qua rex Edwardus vivus et mortuus fuit.[1]

See The King *v.* Abbot of Tavistock, *post*, p. 69.

[LAND IN FOTESTORP. PROOF BY BATTLE OR ORDEAL OFFERED.]

Hanc terram [in Fotestorp] calumpniatur esse liberam Ulchetel homo Hemeri, quocumque modo judicetur vel bello vel juditio. Et alius homo præsto est probare vel bello vel juditio quod jacebat ad æcclesiam Sanctæ Ædeldredæ die qua rex Æduuardus obiit, et utque dedit vadimonium suum. Et totum hundred testatur quod jacuit ad ecclesiam Sanctæ Ædeldredæ tempore regis Edwardi.[2]

[1] Exon Doomsday (4 Doomsd.), 165 (Original returns of Doomsday).

[2] Inquisitio Com. Cantab. 131, Hamilton (Original returns of Doomsday).

WILLIAM II.

[THE ABBOT OF ABINGDON AND A MILLER *v.* ANSKILL. 1088—1089.][1]

[The defendant adjudged by the abbot's court to pay damages for the unlawful destruction of an aqueduct by his (defendant's) men.]

HUJUS regis regni anno secundo, quando civitas Rouecestra ab eodem obsidebatur, contratenente ipsam Odone, Baiocensi episcopo, ejusdem regis patruo, ductum aquæ, quem vulgo Lacche appellant, apud Boteleam, viri de Seuecurda illicito ausu fregerunt. Quibus tunc temporis Anskillus dominabatur, sed eadem in quæstionem res postea in abbatis præsentia posita, non debere fracturam illam eo quo facta est modo fieri ratiocinatione sancitur publica. Unde ille Anskillus apud abbatem hoc commissum X. pependit solidis. Egit tamen ut tunc indiceretur molendinario loci illius quatenus sibi singulis ab eo redderetur annis duarum summa orarum.

The defendant was at this time a tenant of Abingdon by knight service. 2 Hist. Mon. Abingd. 4 (Rec. Com.).

[CITIZENS OF LONDON AND ABBOT WYDO. 1090.][2]

[Abbot Wydo obtains judgment against the citizens of London, establishing the right of the church of St. Augustine to the adjacent waters.]

ANNO Domini MLXXXX. fuit magna disceptatio inter

[1] 2 Hist. Mon. Abingd. 17 (Rec. Com.).
[2] 2 Twysden's Scriptores, 1793 (Thorne's Chron.).

cives Londonienses et abbatem et homines ejus de Stonore. Cives Londonienses vendicaverunt dominium villæ de Stonore tanquam de maris portu civitati Londoniensi subjecto. Set rege Willelmo Ruffo favente parti abbatis, dirationatum est in eadem villa per justiciarios, quod nullus de cætero aliquid clamet ibidem, set Wydo abbas et suus conventus libere et quiete terram illam et totum litus usque ad medietatem aquæ habeant sine calumpnia aliqua, et quod abbas Sancti Augustini libere possideat omnes rectitudines et consuetudines ad prædictam villam pertinentes. Et super isto processu sunt cartæ duplices prædicti regis. Recordum sive diratiocinium prædictum confirmant videlicet Henricus rex primus, Stephanus, Johannes et Henricus tercius reges Angliæ temporibus suis illud idem cartis suis confirmaverunt.

[The following are the two charters of Wm. II. referred to.]

Willelmus,[1] Dei gratia rex Anglorum, archiepiscopis, abbatibus, comitibus, vicecomitibus, et omnibus fidelibus totius Angliæ, salutem. Sciatis quia volo et præcipio super amicitiam meam, ut nullus a modo aliquid reclamet in Estanores, sed Wydo abbas de Sancto Augustino et fratres loci ejusdem libere et quiete terram illam et totum littus usque in medietatem aquæ habeant, sine calumnia; quia ita dirationatum est inter homines meos de Londonia et homines abbatis in tempore meo, coram justicia mea apud Estanores. Testibus Willelmo episcopo de Ampelino, et Rogero Bigot, apud Wyndesore.

Willelmus[2] rex Anglorum H. dapifero, et omnibus baronibus de Kent, Francis et Anglis, salutem. Sciatis

[1] Hist. Mon. St. Aug. 355 (Rec. Com.). [2] Ib. 356.

quod ego volo et præcipio, ut Sanctus Augustinus et abbas Wydo a modo firmiter et honorifice teneat omnes rectitudines suas et consuetudines ad Eastonores, tam in aqua quam in terra. Et nolo ut amplius aliquis ei inde aliquam injuriam faciat. Teste Willelmo episcopo Dunelmensi, apud Windeshore.

[ABBOT OF ABINGDON *v.* THE KING'S FORESTERS. ABOUT 1092.][1]

[The abbot of Abingdon obtains a writ from the king, commanding the king's foresters not to molest the abbot in his lands, wood, and pasture.]

PRÆDICTÆ autem villæ Uuinkefeld regis forestarii plurimum infesti fiebant. Quod cum ipsi regi abbatis ex parte deferretur, illorum molestiam hujusmodi coercuit mandato, Uualtero eidem taliter scribens:—

Wuillelmus, rex Anglorum, Waltero Oteri filio, salutem. Mando tibi et præcipio, ut abbati Abbendonæ permittas habere suam terram et suam silvam omnino liberam, præter silvestrem silvam, et pascua suorum hominum habeat in prædicta silva; et vide ne amplius de hac silva vel terra injuriam abbati facias.

[BETWEEN ALFNOTH AND ALA, PRIESTS. ECCLESIASTICAL. 1092.][2]

[Trial at a synod of three counties concerning disputes between the

[1] 2 Hist. Mon. Abingd. 29 (Rec. Com.).
[2] 1 Anglia Sacra, 542.

priests of two churches, resulting in favour of neither; monks of the mother church having intervened successfully against both sides.]

Ego Wlstanus gratia Dei Wigornensis episcopus decrevi synodum congregare in monasterio Sanctæ Mariæ in criptis, quas ego a fundamentis ædificavi, et per misericordiam Dei postea dedicavi. Hæc synodus habita est anno Dominicæ Incarnationis MXCII. indictione XV. Ad hanc synodum invitati convenerunt omnes sapientissimæ personæ de tribus comitatibus nostræ dioceseos, Wigracestriæ videlicet, Glaucestriæ, Warewicciæ; eo quod ego longævus dierum, imbecillitatem corporis mei sentiens, et finem vitæ meæ instare intelligens, cupiebam res ecclesiasticas nostræ curæ commissas canonice tractare, et quæque emendanda forent illorum sapienti consilio corrigere et emendare. Nostra itaque humilitate in hac synodo præsidente, orta est questio inter duos presbiteros, Alfnothum scilicet presbiterum Sanctæ Elenæ et Alam presbiterum Sancti Albani, de parochiis et consuetudinibus ecclesiarum suarum. Horum presbiterorum altercatio sanctam synodum multum detinuit. Hanc litem ego canonice discindere cupiens, jussi seniores quosque et quibus notissimæ essent antiquæ institutiones ecclesiarum seu parochiarum Wigracestriæ, veritatem edicere, tam de supradictarum, quam de omnium ecclesiarum urbis Wigracestriæ, antiquissimis institutionibus et parochiis. Et cum inter supradictorum presbiterorum disceptationem auditus est a sancta synodo clamor filiorum ecclesiæ, monachorum videlicet, quod ipsi dampna paterentur suorum redituum, quos juste habere debuissent de sua ecclesia, Sanctæ Elenæ scilicet propter tam diuturnam presbiterorum discordiam jussi, sicut de institutionibus cæte-

Oxeneford, pro quibusdam sub illius manu degentibus et abbati injuriam inferentibus, transmisit, ita jubendo:

Wuillelmus, rex Anglorum, Petro de Oxeneford, salutem. Sciatis quod volo et præcipio ut abbas Rainaldus de Abbendona, et monachi ecclesiæ suæ, ita bene et honorifice et quiete habeant et teneant omnes consuetudines suas ubique in omnibus rebus, sicut melius habuerunt tempore regis Eadwardi, et tempore patris mei, et nullus homo iis inde amplius injuriam faciat. Teste Ranulfo capellano. Et fac abbati prædicto plenam rectitudinem de Eadwi, præposito tuo, et de aliis ministris tuis, qui monachis suis injuriam fecerunt.

[King Rufus had previously (1087) granted the following charter in favour of the abbey at Abingdon:—]

Willielmus,[1] rex Angliæ, vicecomitibus suis, in quorum vicecomitatibus abbatia de Abbendonia terras habet, salutem. Præcipio ut tota terra abbatiæ de Abbendonia ita bene et pleniter habeat sacham suam et socham et omnes consuetudines suas, sicut melius habuit et plenius tempore regis Eaduuardi et patris mei; et defendo ne aliquis inde injuriam faciat. Teste Eudone dapifero, per Radulfum de Languetot, apud Legam. Et hundredum de Hornimere similiter, sicut tunc temporis habuit, testibus prædictis.

[1] 2 Hist. Mon. Abingd. 17 (Rec. Com.).

[Case of William of Ou. 1096.][1]

[The defendant is accused of treason, tried by battle, and vanquished. He is maimed, and his steward hung.]

Hoc anno tenuit rex Willelmus suam curiam ad Christi natales in Windlesora; atque in octavis Epiphaniæ fuit rex omnesque ejus optimates in Searbyrig. Ibi accusavit Gosfrei Bainard Willelmum de Ou regis propinquum, asseverans eum fuisse participem conspirationis contra regem, et duello cum eo decertavit, eumque prælio simplici vicit; et postea, superato jussit rex oculos erui, ac deinde testiculos abscindi; et illius dapiferum Willelmum nomine, filium amitæ illius, jussit rex in crucem tolli.

[The King v. Abbot of Tavistock. 1096.][2]

[The king sends bishop Walkelin and his chaplain and two others to enter royal pleas in Devonshire, Cornwall, and Exeter. They bring suit on behalf of the king for a certain manor held by the abbot of Tavistock; but the defendant proves title by prescription. The parties all unite in praying a grant by the king to the defendant, which is made.]

Anno Dominicæ incarnationis millesimo nonagesimo sexto, regni autem inclitæ recordationis secundi Guillielmi IX. misit idem rex in Quadragesima optimates suos in Devenesiram et Cornubiam et Exoniam, Walcalinum videlicet Wyntoniensem episcopum, Randulphum

[1] Madox, Hist. Exch. 6, note (fol. ed.), Latin version of Ang.-Sax. Chron. for 1096.

[2] 2 Monasticon, 497 (ed. 1846).

regalem capellanum, Willielmum Capram, Hardinum Belnoldi filium, ad investiganda regalia placita. Quibus in placitis calumpniati sunt cuidam mansioni abbaciæ Taviensis, nomine, Wlurintune; dicentes et affirmantes illam mansionem injuste attinere Tavystochiensi abbaciæ, set potius illam regali dominio semper recte insistere. Dictis quorum et calumpniis nos abnegantes comprobavimus, mansionem illam plurimorum auctoritate antecessorum nostrorum Tavystochiensi abbatiæ absque ulla calumpnia perhenni jure pertinere. Qua de causa una cum regalibus supradictis placitatoribus regem Anglorum requisivimus quatinus illam mansionem supradictam pro Dei amore et Sanctæ Mariæ, Taviensi abbatiæ, absque ulla calumpnia perhenni jure, concederet subjacere. Quibus quidem auditis et enarratis ante regem, ipse rex petitioni nostræ adquiescens, pro anima patris sui et matris suæ, abbatiæ Dei et Sanctæ Mariæ Tavyiensis ecclesiæ illam mansionem, videlicet Wlurintune inperpetuo restituens in hæc verba respondit:

Ego Guillielmus rex Anglorum Osberno episcopo salutem et Guillielmo filio Baldewyni et Guarino vicecomiti de Cornubia et omnibus fidelibus meis Francis et Anglis de Devenasira et Cornubia. Sciatis me dedisse Deo et Sanctæ Mariæ et ecclesiæ de Tavystok pro anima patris mei et matris meæ ipsiusque mei manerium de Wlurintuna, et ut bene illud et honorifice in omnibus Guimundus successoresque sui abbates constituti indesinenter hactenus possideant. Hoc denique sciant omnes quod rex per cultellum eburneum quod in manu tenuit et abbati porrexit hoc donum peregit apud curiam, testimonio virorum illorum nomina quorum infrascripta dinoscuntur. Ego Walchalinus Wyntoniensis episcopus dedi testimonium. Ego Johannes Batoniensis episcopus

consensi, et ego abbas Turstinus Glastoniensis assensum præbui, etc. Qui quidem cultellus jacet in feretro Sancti Rumoni. In cujus manubrio inseritur talis scriptura. ✠ Ego Willielmus rex dedi Deo et Sanctæ Mariæ de Tavistoc terram Wlerintun.

See Abbot of Tavistock, *ante*, p. 61, a previous dispute about the same manor, there called Olwriton.

CASES OF THIS REIGN OF LESS CERTAIN DATE.

[Monks of St. Benet.][1]

[The king's writ ordering an assembly of the county of Hants, and an inquisition (?) into the title to land at Isham in the time of his father, at the suit of the monks of St. Benet; followed by his writ of execution in favour of the abbey.]

Rex, Willielmo de Cahannis, salutem. Præcipio tibi, ut facias convenire sciram de Hamtona, et judicio ejus, cognosce, si terra de Isham reddidit firmam monachis Sancti Benedicti, tempore patris mei, et si ita inventum fuerit, sit in dominio abbatis; si vero teinlanda tunc fuisse invenietur, qui eam tenet, de abbate teneat, et recognoscat. Quod si noluerit, eam abbas in dominio habeat, et vide ne clamor inde amplius ad me redeat. Teste Willielmo episcopo Dunelmensi.

Rex, Willielmo vicecomiti, salutem. Mando et præcipio tibi ut abbatem Ailsi facias habere Isham, sicut ipse dirationavit eam in Hamtona, et sicut testimoniata et jurata fuit ad opus Sancti Benedicti. Teste R. Bigot.

[1] Brady's Hist. England, Pref. 49; 2 Palgrave, Commonwealth, 179.

[Church of St. Benet.][1]

[The king's writ directing that the church of St. Benet be put in seisin of certain lands, men, and bordars.]

W. rex Anglorum H. comiti et Goscelino præposito salutem. Præcipio vobis ut saysiatis abbatiam Sancti Benedicti et Ranulphum monachum de centum acris terræ et sex acris prati, et de IIII. hominibus, et de triginta acris in burgo et de tribus bordariis sicut ecclesia Sancti Benedicti inde erat saysita eo die quo pater meus fuit vivus et mortuus. Et sciatis quod ista terra inbreviata fuit in meis brevibus ad opus ecclesiæ Sancti Benedicti qui sunt in thesauro meo Wyntoniæ. Et hoc testantur breves mei de C. acris terræ et VI. acris prati et quatuor hominibus in Wynterton et triginta acris in Burc et III. bordariis. Testibus episcopo Dunelmensi et W. cancellario.

[Case of Fifty Men.][2]

[Fifty men, accused of taking stags in the king's forest without permission, purge themselves by the ordeal of hot iron.]

Quinquaginta circiter viri quibus adhuc illis diebus, ex antiqua Anglorum ingenuitate, divitiarum quædam vestigia arridere videbantur, capti sunt, et calumniati, quod cervos regis ceperint, mactaverint, manducaverint. Negant illi; unde statim ad judicium rapti, judicantur, injectam calumniam, examine igniti ferri, a se propulsare debere. Statuto itaque die, præfixi pœnæ judicii pariter subacti sunt remota pietate et misericordia. Erat ergo, miseriam videre, verum omnipotens Deus cui misericordiam et judicium canit Davidicus Psalmus, innocentia eorum, servatis misericorditer ab exustione manibus omnium, cunctis ostendit, et malitia hominum eos impie destruere cupientium quam injusta fuerit, justo judicio declaravit.

[1] 3 Monasticon, 86 (ed. 1846). [2] Hist. Novorum, 48.

HENRY I.

[Liberties of Abingdon. 1100.][1]

[The king's writ directing respect thereto.]

Henricus, rex Angliæ, omnibus vicecomitibus suis in quorum vicecomitatibus et ministeriis abbatia Abbendone terras habet, salutem. Præcipio ut tota terra abbatiæ de Abbendona ita plene et pleniter habeat sacam suam et socam, et omnes consuetudines suas, in burgo et extra burgum, sicut melius habuit et plenius tempore regis Eadwardi et patris mei; et latronem similiter, sicut tunc temporis habuit; et defendo ne aliquis ei inde injuriam faciat. Teste Eudone dapifero; apud Westmonasterium in nuptiis meis. Et etiam sicuti frater meus per breve suum præcepit.[2] Teste eodem.

[Ruaculus de Abrincis v. Abbey of Abingdon. 1101—1102.][3]

[The king directs an inquisition concerning three virgates of land,

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[1] 2 Hist. Mon. Abingd. 89 (Rec. Com.).
[2] See *ante*, p. 68.
[3] 2 Hist. Mon. Abingd. 84 (Rec. Com.).

claimed by the plaintiff as belonging to the manor of Stanton, given him by the king.]

Henricus, rex Angliæ, Hugoni de Bochelanda et Willielmo vicecomiti de Oxeneford, salutem. Præcipite ex mei parte hominibus vestrorum comitatuum, ut ipsi, sicut me diligunt, veritatem omnino dicant de tribus virgatis terræ, quas Ruaculus de Abrincis reclamat; et si pertinent ad manerium quod ego ei dedi de Estantona, habeat ipse; sin autem, habeat ipsa abbatia de Abbendonia. Teste Rogero cancellario. Per . . . agan [Pagan ?] Basset; apud Grentebruge.

[Church of St. Peter of Gloucester. 1101.][1]

[The king's writ exempting from toll and customs.]

Henricus, rex Angliæ, omnibus baronibus et vicecomitibus suis et ministris, Francis et Anglis, salutem. Præcipio quod tota pecunia Sancti Petri de Gloucestria, et abbatis et monachorum, sit quieta ab omni theloneo et consuetudine ubicunque venerit. Et defendo super decem libras forisfacturæ ne aliquis eos disturbet, nec amplius inde clamorem audiam. Testibus Rogero cancellario et Eudone dapifero apud Niweham.

[1] 2 Chron. Mon. Glouc. 134 (Rec. Com.).

[ABBOT FARITIUS *v.* WILLIAM, THE KING'S CHAMBERLAIN. 1101.][1]

[The plaintiff recovers judgment in respect of a knight's fee, in the presence of the wise men, to wit, sheriffs, justiciars, and barons.]

EST juxta Abbendoniæ burgum unius militis mansio, quæ Leia vocatur; hanc Willelmus, regis camerarius, de Lundonia, tenebat, sed nullum inde servitium militis vel homagium domno Faritio abbati, cum abbatiam primo suscepisset, impendere volebat. Et contigit interea ut rex Henricus contra fratrem suum Robertum, Normanniæ comitem, super se in Anglia cum exercitu venientem, totius regni sui expeditionem dirigit. Tum abbas a Willelmo repræsentationem militis expectens, nec ab ejus importunitate impetrans, prudenter id sustinet, et militem ipse quæsitum alterum supponit. Verum rege fratri suo pacis firmatione unito, abbatis testibus coram deductis, quod militem hæc possessio tempore senioris regis Willelmi et abbatis Adelmi invenit, nunc vero eum regnanti regi Henrico et eodem indigenti retentum palam fuerit, tamdiu in præsentia sapientium hanc rem ventilari fecit, ut ille neutrum negaret, immo fateri sic esse vera ratione cogaretur. Unde cum lege patriæ decretum processisset ipsum exsortem terræ merito debere fieri, interpellatione bonorum, qui intererant, virorum, reddit terram illam illi eo tenore, quod Willelmus effectus est homo ipsius, et decem libras pro emendatione dedit, et servitium unius militis facere debet in omni loco ubi cæteri homines ecclesiæ faciunt servitium militum, et nulli unquam debet illam terram vendere, vel vadimonizare,

[1] 2 Hist. Mon. Abingd. 128 (Rec. Com.).

vel in feudo dare, sive in feudo firma. . . . Hoc actum est coram his testibus; Nigello de Oili, Hugone de Bochelanda, Willelmo vicecomite, Radulfo Basset, et multorum aliorum.

[ABBOT FARITIUS v. GOSCELIN. 1101.][1]

[The plaintiff recovers judgment in his own court in respect of another knight's fee.]

DISRATIONAVIT etiam eo die abbas Faritius contra Godcelinum de Riveria servitium unius militis de Bedena. Idem dicebat se non debere facere servitium, nisi duorum militum, pro feudo quem tenebat de ecclesia, et abbas et sui dicebant eum debere servitium trium militum. Tandem vero vadimonizavit et servitium et rectum abbati, et firmavit, et omnino concessit se et debere facere et de cætero facturum trium militum servitium. Et hoc actum est in Abbendonensi camera coram abbate Faritio multorum testimonio.

[ABBOT FARITIUS v. NIGEL DE OILIO.][2]

[The plaintiff recovers judgment in respect of a third knight's fee.]

NIGELLUS de Oilio tenebat unum pratum apud Oxeneford,

[1] 2 Hist. Mon. Abingd. 129 (Rec. Com.). [2] Ib. 132.

et unam hidam in Sandford, et alteram in Earnecote, de feudo scilicet Abbendoniæ; sed nullum homagium vel servitium longo post tempore adventus ipsius Faritii abbatis ad Abbendoniam inde ecclesiæ fecerat. Quapropter abbas contra ipsum disratiocinando eget, ut et ecclesiæ et sibi pro his, quæ tenebat, homagium faceret, et hoc tenore eadem in posterum recognosceret, scilicet ut in omni regis geldo ipsa quietet, et abbati sicut suo domino ubique serviat. In vicecomitatibus Berchescire et Oxenefordscire, quandocumque abbas eum mandaverit, ad auxiliandum sibi et serviendum paratus aderit; nec excusabitur ab ecclesiæ servitio, nisi regis eum detinuerit executio. Quod si ita constiterit, pro se de melioribus suis hominibus in abbatis obsequium transmittet. In curia etiam regis si abbati placitum aliquod forte habendum contigerit, ipsius abbatis parti idem aderit, nisi contra regem placitandum forte fuerit. Ad eandem curiam venienti abbati procurabit hospitium; et si aptum illi non invenerit, suum proprium cedet ipsius respectui.

[Same Parties.][1]

[The plaintiff recovers a parcel of land in Oxford, upon the premises in question, before many witnesses.]

Eodem mense quo et ista ventilata est causa, abbas contra eundem Nigellum de Oilli disratiocinavit quandam terræ portiunculam infra Oxenefordæ civitatem

1 2 Hist. Mon. Abingd. 133 (Rec. Com.).

sitam, in via scilicet qua itur a Sancti Michaelis ecclesia ad Castellum. Quæ terra manerio Tademertune ab antiquo adjacet tempore. Verum hæc præcedenti tempore in neglectum venerat, adeo ut de hac nullam exhiberet tunc Nigellus ecclesiæ recognitionem. Itaque ipsius abbatis justæ rationi se idem submittens, tali post illud tempus tenore de ecclesia prædicta terram suscepit tenendam, ut gablum antiquitus consuetum inde persolvi, id est VI. denarios, et ipse Nigellus singulis annis ad nativitatem Sanctæ Mariæ illi collectori in eadem villa redderet, qui aliud ecclesiæ gablum illic collegeret. Quod placitum factum est super eandem terram coram multis testibus.

[ABBOT FARITIUS *v.* WALTER GIFFARD.][1]

[The plaintiff recovers a knight's fee of lands situated at Linford, before bishops and barons of the king, at a private house.]

WALTERUS comes junior, cognomine Giffardus, manerium VII. hidarum, quod vocatur Linford, tenebat; et est ex jure ecclesiæ hujus; sed ipse comes inde servitium debitum contra tenere moliebatur. Quare industria abbatis Faritii tantum in hoc prævaluit ut idem comes coram Rogero Saresberiensi, ac Roberto Lincolniensi, et multis regis baronibus, ecclesiæ et abbatis homo efficeretur; eo tenore ut ex illa terra militis unius servitium omnimodo reddat, quo alii ecclesiæ milites servitia exhibent.

[1] 2 Hist. Mon. Abingd. 133 (Rec. Com.).

Hæc omnia[1] disratiocinata fuere præcepto Henrici regis apud Oxeneford, in domo Thomæ de Sancto Johanne, et ubi abbas tunc curiam suam fecit, eo quod ille Thomas suus homo erat.

[Case of Matilda. Ecclesiastical. 1101.][2]

[Matilda (previously called Edith), daughter of Malcolm, king of the Scotch, and of Saxon birth on her mother's side, having consented to marry Henry I. of England, it was charged against her by the Normans that she had taken the veil. She goes to Anselm to consult with him under the circumstances, and denies that she had ever done this voluntarily. She had, she admitted, sometimes in her youth appeared veiled, but she was then under the care of her aunt Christina (her parents having died), who to protect her from the libertinism of the Normans, had sometimes placed a piece of black cloth on her head. This she would refuse to wear, and as soon as her aunt was out of sight, would tear it off and throw it away in anger.[3] The trial takes place before bishops, abbots, nobles, and other men of religious orders, resulting in favour of Matilda.]

Quid plura? Differt Anselmus sententiam ferre, et causam judicio religiosarum personarum regni determinandam pronunciat. Statuto itaque die coeunt ad nutum illius, episcopi, abbates, nobiles quique, ac religiosi ordinis viri in villa Sancti Andreæ de Rovecestra quæ Lambeta vocatur, quo et ipsum præsentis negotii tunc tenor adduxerat. Causa igitur juxta præscriptam seriem in medium deducta est. Prodeunt

[1] The last three cases.

[2] Hist. Novorum, 57.

[3] It should be stated that this is taken from the introductory remarks of Eadmer, and is not drawn from the text which here follows.

hinc inde idonei testes, verba puellæ, puræ veritati subnixa, protestantes. Accedunt istis archidiaconi duo Willielmus videlicet Cantuariensis, et Humbaldus Serberiensis, quos pater Anselmus Wiltuniam, ubi illa fuerat educata, pro hujus rei certitudine rimanda direxerat, qui publica voce testati sunt se et rem a sororibus diligentissime perquisisse, et nil quod relatæ rationi obsisteret, ab eis capere potuisse. Monet ergo Anselmus et per christianam obedientiam omnibus imperat, ut nullum a veritate favor aut timor deflectat, sed sicut revera causæ Dei quo juste determinetur unusquisque pro viribus opem ferat ne, quod absit, aiens, talis judicii sententia prodeat, cujus exemplo in superventuris temporibus, vel sua quilibet libertate non jure privetur, vel Deus his, quæ sui juris esse debent, injuria defrudetur. Acclamant omnes, ita faciendum, et, se non aliter facturos, spondent. Remoto itaque a conventu solo patre, ecclesia Angliæ quæ convenerat in unum de proferenda sententia tractat. Deinde illo in medium reverenter adducto, expositum est quid de negotio communis omnium consensus invenerit. Ratum aiunt perspecta re sibi videri, et ad hoc comprobandum paratos se asserunt, nulla sententia posse puellam pro causa sua jure constringi, quin libertate corporis sui quocunque modo legaliter velit, valeat uti. Quod licet, inquiunt, levi argumento probare possemus, eo tamen cum opus non sit, supersedemus, nostris argumentis firmiorem tenentes parem judicii hujus sententiam a venerandæ memoriæ prædecessore vestro, et patre et magistro nostro Lanfranco, simili de causa, promulgatam. Nam quando ille magnus Willielmus hanc terram primo devicit, multi suorum sibi pro tanta victoria applaudentes, omniaque suis voluntatibus atque

luxuriis obedire, ac subdi debere autumantes, non solum in possessiones victorum, sed et in ipsas matronas et virgines ubi eis facultas aspirabat, nefanda libidine cœperunt insanire. Quod nonnullæ prævidentes, et suo pudori metuentes monasteria virginum petivere, acceptoque velo sese inter ipsas a tanta infamia protexere. Quæ clades, cum postmodum sedata et pro temporis qualitate pax rebus data fuisset, quæsitum ab eodem patre Lanfranco est quid de his quæ tali refugio suam pudicitiam servaverunt, ipse sentiret; essentne videlicet constringendæ in monasterio velum tenere quod acceperant, necne. At ipse quæstionem ipsam consilio generalis concilii taliter solvit ut eis pro castitate quam se tam manifestæ rei ostensione amare testatæ fuerant, debitam magis reverentiam judicaret exhibendam quam ullam servandæ religionis continentiam, nisi propria illam voluntate appeterent, violenter ingerendam. Et adjunxerunt. His interfuimus, hæc approbari a sapientibus viris audivimus, et hæc in præsenti negotio valere volumus ac roborari postulamus. Licet enim sciamus causam illarum istius esse leviorem dum ille[1] sponte ista coacta pari de causa velum portaverit, tamen ne quis nos favore cujusvis duci existimet, non ultra progredi in judicio volumus hoc solo contenti, ut quod valuit in majori valeat in minori. Tunc Anselmus ad hæc. Scitis quid monuerim, quid præceperim, quidque polliciti sitis. Cum igitur secundum quod vobis visum est justius in commune judicaveritis, sicut asseritis, ego judicium vestrum non abjicio, sed eo securius illud suscipio quo tanti patris autoritate suffultum audio. Illa dehinc in medium ducitur, gesta

[1] illa.

comi vultu audit, et amplectitur, auditum sibi præstari paucis precatur. Loquens ergo obtulit se vel sacramento vel alia quam magis eligerent ecclesiastica lege, probaturam solidæ veritati subnixam esse jam definitam rationem suam.[1]

[The King v. Robert Malet et al. 1102.][2]

[Fines and outlawry.]

Anno ab incarnatione Domini MCII., indictione IX., Henricus, rex Anglorum, pace cum Rodberto fratre suo facta, in regno confirmatus est, et super proditores, qui tempore necessitatis suæ nequiter ab illo desciverant, paulatim ulcisci conatus est. Nam Rodbertum, cognomento Maletum et Ivonem de Grentemaisnilio, Rodbertum de Pontefracto, filium Ilberti de Laceio, et potentiorem omnibus illis, Rodbertum de Belismo,[3] aliosque quamplures ad judicium summonuit; nec simul, sed separatim, variisque temporibus, de multimodis violatæ fidei reatibus implacitavit. Quosdam eorum, qui se de objecto crimine purgare non poterant, ingenti pecunia condemnavit, alios vero, quos magis suspectos habebat, irrecuperabiliter exheredatos exulare compulit. . . . .

Rodbertum de Pontefracto, et Rodbertum Maletum placitis impetivit, et honoribus exspoliatos extorres expulit. Ivonem quoque, quia guerram in Anglia

[1] But she was told that there was no need of this.
[2] 4 Ord. Vital. 161, 167 (French Hist. Soc.).
[3] Outlawed soon afterwards. See *infra*.

cœperat, et vicinorum rura suorum incendio combusserat (quod in illa regione crimen est inusitatum, nec sine gravi ultione fit expiatum), rigidus censor accusatum, nec purgatum, ingentis pecuniæ redditione oneravit, et plurimo angore tribulatum morstificavit.

The two paragraphs above appear to refer to the same trials.

[The King *v.* Robert Belisme. 1102.][1]

[The defendant outlawed by the king and barons.]

Anno ab incarnatione Domini MCII., indictione X., Henricus rex Rodbertum de Belismo, potentissimum comitem, ad curiam suam ascivit, et XLV. reatus in factis seu dictis contra se vel fratrem suum, Normanniæ ducem, commissos objecit, et de singulis eum palam respondere præcepit. Diligenter enim eum fecerat per unum annum explorari, et vituperabiles actus per privatos exploratores caute investigari, summopereque litteris annotari. Cumque Rodbertus licentiam, ut moris est, eundi ad consilium cum suis postulasset, eademque accepta, egressus, purgari se de objectis criminibus non posse agnovisset, equis celeriter ascensis, ad castella sua pavidus et anhelus confugit, et, rege cum baronibus suis responsum expectante, regius satelles Rodbertum extemplo recessisse retulit. Tunc delusum se rex doluit; sed tempus ultionis non dubius expectavit. Rodbertum itaque publicis questibus impetitum, nec

[1] 4 Ord. Vital. 169 (French Hist. Soc.).

legaliter expiatum, palam blasphemavit, et, nisi ad judicium, rectitudinem facturus, remearet, publicum hostem judicavit. Iterum rebellem ad concionem invitavit; sed ille venire prorsus refutavit.

[ABBOT GAUSFRID *v.* ROBERT DE CHILTON. ECCLESIASTICAL. 1102.][1]

[The defendant, a servant of the late abbot of Battel, is accused by the plaintiff of peculation, and refusing to answer, in which he is supported by his friends, he and they are summoned to a court at Battel. The parties appear, but decline to answer except in their own county; whereupon the plaintiff closes and fastens the door of the court-room, and compels them to attend to the cause, and obtains judgment.]

CUMQUE præcipuum ecclesiæ manerium Wi adisset [Gausfridus], quod quidam abbatis defuncti serviens procuraverat Robertus cognomento de Ciltuna, invenissetque illud undique distractum, cœpit causas ab ipso præposito rationemque requirere villicationis. Qui cum domino suo jam defuncto se inde satisfecisse referret, nec sic iste adquiescens testes exigeret, tandem convictum in ejusdem manerii curiam compulit. Cumque vi nobilium provinciæ, quos sibi asciverat, æquitati parere penitus detrectasset, eum suosque præsentes, ex regis nomine die denominato, præcipiendo apud Belli curiam adesse idem ecclesiæ procurator. summonuit. Quibus nec post multam conflictationem quicquam certi respondentibus in his disceditur. Die vero denominato

[1] Chron. Mon. de Bello, 47 (Ang. Chris. Soc).

cum prædicti placitatores Fulbertus scilicet de Cilleham, Rotbertus Fillel, Haimo filius Vitalis, et Brother presbiter aliique barones quamplurimi cum prædicto Rotberto, vi ac terrore regii nominis, Bataliensem adissent curiam, et jam hora tardior noctem minitaret, placitum dominus Gausfridus persuasione etsi ægre in primum Dominici adventus diem recrastinavit. Habebat enim quoddam in se memoriale, quatinus agendis exterioribus ad memoriam posterorum non solum seniores fratrum sed et juniores interesse procuraret, et tardiori id hora tunc fieri ordinis custodia prohibebat. Itaque post opulentam hospitalitatem curia statuta, circumassidentibus sibi fratribus, summonitos Gausfridus affatur: "Quoniam mi seniores carissimi præsenti vos præmoniti intulistis curiæ, utrum rectitudinis hinc exequendæ et recipiendæ causa adveneritis sciscitor." Illi vero cum non ibi sed in suo comitatu omnem rectitudinem se exequi debere insisterent, post plurimam dominus Gausfridus controversiam intulit: "Si ergo ut asseritis non nisi in vestro comitatu justitiæ subdimini causis, nunquid non regiæ asciti curiæ conquesta definire vetaretis?" "Nequaquam," inquiunt. "Ergo præsenti," inquit, "curiæ, quæ regis extat, hac ratione contraire nequibitis." Qui cum vi ratiocinatione freti renitentes demum erumpere conarentur, protinus basilicæ valvas jussit obserari, obtestans singulos regiæ majestati exponendos, si non regiæ exequerentur jura curiæ. Cumque viri animositatem regiæque districtionis recogitassent æquitatem, tandem pavidi cessere tiranni, et se illic rectitudinem facere et recipere velle profitentur. Tunc domino Gausfrido[1] manerii de Wi annullationem,

[1] "Dominus Gausfridus, MS.," says the editor of the Chronicle.

præpositumque impotentem villicationis reddere rationem exponente, tandem post plurium verborum rotationem, reus coram communi judicio sistitur Rotbertus. Qui reatum confitens cum veniam flagitaret, decem argenti libris decemque frumenti adjudicatus modiis, cum gratia misericorditer absolvitur. Hoc peracto, et domino Gausfrido si quid erga ipsum querimoniæ præsentes haberent sciscitante, cum calumpniæ nil a quoquam referretur, curia soluta est.

[Abbot Gausfrid *v.* The King's Collectors. 1102.][1]

[A ship goes ashore at Wye, laden with royal valuables. The king's collectors come to seize the same as wreck. Gausfrid and his men oppose this, and a complaint is laid before the king; the result being in favour of Gausfrid.]

Sub isdem diebus warec contigit in Dengemareis membro de Wi, navem videlicet regiis ornamentis et operibus onustam fluctibus jactatam cum illic appulisset confringi. Quam cum infra statutum terminum pro more reparare nequissent, regii accessere exactores, navem cum opibus ut regiam pecuniam vi optinere conantes. Domino vero Gausfrido obnitente cum suis, tandem coram regiis auribus hac ventilata querimonia, rex morem servari patrium volens, ecclesiamque suam offendere cavens, jussit quatinus nec de sua quidem pecunia propria, cujusquam ecclesia pateretur injuriam, sed quod appulsum fuerat totum ecclesiæ maneret.

See the case of Archbishop of Canterbury *v.* Abbot of Battel, *post*, p. 143, in the year 1139.

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[1] Chron. Mon. de Bello, 49 (Ang. Chris. Soc.).

[MONKS OF ST. AUGUSTINE. 1103.][1]

[The king's writ granting a right of fair to the monks of St. Augustine.]

HENRICUS, rex Anglorum, Anselmo archiepiscopo et Haimoni vicecomiti et omnibus baronibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis me dedisse et concessisse monachis Sancti Augustini habere feriam in translatione ipsius sancti apud Cantorberiam, quæ est Idus Septembris, quinto die post Natale Sanctæ Mariæ, et duret per quinque dies ante festum ipsius sancti, et duos post festum. Et præcipio ut omnes ad eam venientes, et in ea morantes, et ab ea redeuntes, habeant firmam pacem meam: et nemo eis injuriam faciat, nec in civitate vel extra aliquis theloneum per hos dies capiat nisi monachi et servientes eorum. Testibus Turstino capellano et Haimone dapifero, apud Londoniam, Kal. Septemb.

[MEN OF WHISTLEY *v.* OSATUS. 1104?][2]

[The king's writ discharging the plaintiffs from liability to the defendant.]

HENRICUS, rex Angliæ, Willielmo Osato, salutem. Præcipio tibi ut dimittas in pace homines abbatis de Abbendona, qui sunt in Wisseleia, quos requiris, quia ego clamo eos quietos. Teste Rogero Bigot; apud Windresores.

[1] Hist. Mon. St. Aug. 358 (Rec. Com.)

[2] 2 Hist. Mon. Abingd. 94 (Rec. Com.)

[Men of St. Augustine v. Citizens of Canterbury. 1104.][1]

[The king's writ commanding pledges given by the plaintiffs to the defendants to be restored.]

Henricus, rex Anglorum, Haymoni dapifero et ministris suis, salutem. Præcipio vobis ut cito faciatis reddi hominibus Sancti Augustini vadimonia illa quæ ceperunt burgenses de Cantorberia super eos propter auxilium. Nolo enim ut servientes Sancti Augustini, qui nec emunt, nec vendunt, nec mercatum ducunt, donent hoc auxilium. Unde quicquid propter hoc ab eis captum est totum cito reddatur eis. Et videte ne amplius inde clamorem audiam. Teste Waldrico cancellario, apud Wincestriam in Pascha.

[Monks of St. Augustine. 1103—1106.][2]

[The king's writ exempting the monks of St. Augustine from certain toll.]

Henricus, rex Anglorum, omnibus vicecomitibus et ministris totius Angliæ, salutem. Præcipio ut servientes Sancti Augustini sint quieti ab omni theloneo in omnibus quæ poterunt affidare se emere ad dominicos usus monachorum. Et defendo ne aliquis eos super hoc disturbet. Teste Waldrico cancellario, apud Westmonasterium in Natale Domini.

[1] Hist. Mon. St. Aug. 358 (Rec. Com.). [2] Ib. 362.

[ABBOT FARITIUS *v.* MEN OF STANTON. 1105—1107 ?][1]

[Writ of trespass for breaking a sluice.]

HENRICUS, rex Angliæ, Nigello de Oilli et Willielmo vicecomiti de Oxeneford, salutem. Præcipio vobis ut faciatis abbati de Abbendona plenariam rectitudinem de exclusa sua quam homines de Estantona fregerunt, et ita ne amplius inde clamorem audiam pro recti penuria, et hoc super X. libras forisfacturæ. Teste Rannulfo cancellario; apud Westmonasterium.

The editor of the Abingdon Chronicle suggests the year 1105 as the date of this and the following writ; but according to Foss (Tab. Cur. 5), Ranulf, who witnesses the above writ as chancellor, did not become chancellor till 1107. These writs are worthy of notice as the prototype of the writ of trespass *quare clausum fregit*.

[SAME PARTIES. 1105—1107 ?][2]

[*Alias* writ of trespass.]

HENRICUS, rex Angliæ, Willielmo vicecomiti de Oxeneford, salutem. Fac cito et sine mora plenam justitiam Faritio abbati de hominibus de Stantona, qui fregerunt exclusam suam, et ita ne inde amplius pro recti penuria clamorem audiam, super X. libras forisfacturæ. Teste Eudone dapifero; apud Corneberiam.

[1] 2 Hist. Mon. Abingd. 92 (Rec. Com.). [2] Ib.

[ABBOT OF ABINGDON *v.* GOSCELIN. 1105 ?][1]

[The king's writ directing the defendant to sue in the plaintiff's court in respect of certain land.]

HENRICUS, rex Angliæ, Henrico comiti de Warewic et Willielmo vicecomiti, salutem. Si Goscelinus quid clamaverit in terra Sanctæ Mariæ de Abbendona, quam habet apud Hyllam, præcipio ut ipse Goscelinus eat in curiam abbatis, et ipse abbas sit ibi ei ad rectum; et defendo ipsi abbati, quod non respondeat inde Goscelino in alio loco. Testibus Waldrico cancellario et Grimbaldo medico; apud Westmonasterium, in Natali Domini.

[CHURCH OF ROCHESTER. 1104—1107.][2]

[The king's writ forbidding strangers from fishing at a certain place.]

HENRICUS, rex Anglorum, Haimoni dapifero, et Hugoni de Bochland, salutem. Prohibeo ne piscatores piscant in Tamisia ante piscaturam de Rouecestra de Niuuera. Et si ulterius inveniuntur piscantes, sint michi foris facti. Teste Waldrico cancellario apud Westmoster.

[1] 2 Hist. Mon. Abingd. 93 (Rec. Com.).
[2] Hearne's Textus Roffensis, 171.

[Church of St. Mary of Abingdon v. W. de Montefichet. About 1106.][1]

[The king's writ directing protection of the church of St. Mary in lands at Langley.]

Henricus, rex Angliæ, W. de Montefichet, salutem. Permitte esse in pace terram de Langeleia, quam regina Mathilda, uxor mea, dedit in eleemosynam Sanctæ Mariæ de Abbendonia, sicut melius umquam fuit in pace tempore antecessoris tui, et quicquid inde super hoc cepisti, redde. Et nisi feceris, Willielmus de Bochelanda faciat fieri, ne audiam inde clamorem amplius pro penuria recti et justitiæ. Teste Nigello de Albini; apud Walingeford.

[Abbot Faritius v. Godric. 1106?][2]

[The king's writ confirming title to lands at Winkfield, and enjoining a suit by Godric.]

Henricus, rex Angliæ, Hugoni de Bochelanda, et Godrico, et baronibus de Berchescira, Francis et Anglis, salutem. Volo et præcipio ut ecclesia Sanctæ Mariæ de Abbendona habeat et teneat terram suam de Winkefelda, cum omnibus sibi pertinentibus, ita bene, et honorifice, et in firma pace, sicut melius eam tenuit tempore patris mei, et fratris mei. Et præcipio ut calumnia quam Godricus præpositus de Windresores super eam terram faciat, de haia, omnino et perpetualiter remaneat. Testibus Rogero Bigod, et Grimbaldo medico; apud Norhamtonam.

[1] 2 Hist. Mon. Abingd. 77 (Rec. Com.). [2] Ib. 87.

[MONKS OF ABINGDON v. OFFICERS OF URSO, SHERIFF. 1106?][1]

[The king's writ directing that the monks of Abingdon be exempt from duty on salt.]

HENRICUS, rex Angliæ, Ursoni de Wirecestra vicecomiti, salutem. Præcipio tibi ut salem monachorum de Abbendonia permittas esse ab omni theloneo et consuetudinibus quietum; et bene præcipias tuis ministris de Wice ne supradictorum monachorum rebus forisfaciat, et ita ne amplius clamorem inde audiam. Teste Hugone de Bochelanda; apud Suttunam.

[FARITIUS v. GOTSELIN DE RIPARIA. 1106.][2]

[The king's writ ordering the defendant to perform the customary land service to the plaintiff, on penalty of levy.]

HENRICUS, rex Angliæ, Gotselino de Riparia, salutem. Præcipio ut faciatis Faritio abbati de Abbendona tale servitium de feudo, quod de eo et de abbatia sua tenes, quale fratres tui fecerunt antecessori suo A. Quod nisi feceritis, ipse abbas inde te constringat per feudum tuum. Teste Roberto filio Hamonis. Per W. de la Rochella, apud Lundoniam.

[1] 2 Hist. Mon. Abingd. 88 (Rec. Com.).

[2] Ib. 92.

[WILLIAM OF JUMIEGES v. ABBOT FARITIUS. 1106.][1]

[The king's writ directing the defendant to return certain property to the plaintiff; also that the county decide concerning certain houses, and that the abbot act his pleasure concerning land given him by the king's writ.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda et Albrico, salutem. Sciatis quod volo ut Faritius abbas de Abbendona reddat Willielmo Jemmeticensi totam pecuniam suam, scilicet in annona sicca et in pecudibus, quam apportavit ad terram suam de terris aliis. De domibus vero et annonis viridis, et cæteris aliis rebus, fiat rectitudo justo judicio comitatus. De terra autem illa faciat prædictus abbas suam voluntatem, sicut ei per breve meum concessi, et nulli inde super hoc respondeat. Teste Waldrico cancellario; apud Brantonam.

[ROBERT, SON OF HERVEY, v. ROBERT GERNUN. 1106?][2]

[The king's writ discharging the plaintiff from liability to the defendant.]

HENRICUS, rex Angliæ, Roberto Gernun, salutem. Præcipio tibi ut permittas esse ita in pace Robertum filium Hervei, cum tota terra sua et pecunia, sicut melius et quietius tenebat eam die qua dedisti eam terram reginæ, et ipsa eam terram dedit in eleemosyna ecclesiæ Sanctæ Mariæ de Abbendona. Et vide ne inde amplius clamorem audiam. Testibus regina et Roberto comite de Mellent: apud Rochingeham.

[1] 2 Hist. Mon. Abingd. 93 (Rec. Com.). [2] Ib. 99.

[THE KING *v.* ROBERT DE MONTEFORTE. 1107.][1]

[The defendant convicted of breaking his oath.]

ANNO ab incarnatione Domini MCVII., Henricus rex proceres suos convocavit, et Rodbertum de Monteforti placitis de violata fide propulsavit. Unde idem, quia reum se sensit, licentiam eundi Ierusalem accepit, totamque terram suam regi reliquit.

[ABBOT OF ABINGDON. ABOUT 1107.][2]

[The king's writ exempting the church at Abingdon from toll, passage, and customs.]

HENRICUS, rex Angliæ, Warino præposito Hamtone, et ministris suis, salutem. Præcipio quod victus et vestitus abbatis de Abbendona, et quicquid homines ejus poterint affidare esse suum proprium, sit quietum de omni theloneo, et lestagio, et consuetudine, et passagio; et si quid inde captum super hoc est, cito reddatur. Teste W. de Tanc'. Per Willielmum de Calna; apud Windresoram.

[ABBOT FARITIUS. ABOUT 1107.][3]

[The king's writ commanding restoration of fugitives.]

HENRICUS, rex Angliæ, omnibus vicecomitibus et ministris suis totius Angliæ, in quorum baillia fugitivi

[1] 4 Ord. Vital. 239 (French Hist. Soc.).
[2] 2 Hist. Mon. Abingd. 79 (Rec. Com.). [3] Ib. 81.

abbatiæ de Abbendona inventi fuerint, salutem. Præcipio vobis quod plene et juste faciatis habere abbati Abbendone omnes fugitivos suos, cum tota pecunia et catallo suo, ubicumque ipsi inventi fuerint; et prohibeo ne aliquis eos ei vel pecuniam suam super hoc injuste detineat, super X. libris forisfacturæ. Teste cancellario; apud Wdestocam.

[ABBOT FARITIUS. ABOUT 1107.][1]

[A like writ.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda, et Roberto de Ferrariis, et Willielmo vicecomiti de Oxeneford, et Nicholao de Statford, salutem. Præcipio vobis ut juste et sine mora faciatis redire ad abbatiam de Abbendona omnes fugitivos suos, et cum tota pecunia sua, ubicumque sint, et ita ne inde amplius clamorem audiam pro recti penuria, et nominatim hominem qui est in terra Roberti de Ferrariis, et cum tota pecunia sua. Teste Roberto filio Ricardi; apud Walengeford.

[ABBOT FARITIUS. ABOUT 1107.][2]

[Another like writ.]

HENRICUS, rex Angliæ, omnibus vicecomitibus, et ministris, et fidelibus suis, Francis et Anglis, totius

[1] 2 Hist. Mon. Abingd. 81 (Rec. Com.). [2] Ib. 82.

Angliæ, salutem. Præcipio vobis ut sine aliqua mora faciatis habere Faritio abbati de Abbendona omnes homines suos, qui de terra sua exierunt de Walingeford propter herberiam curiæ meæ, vel propter alias res, et cum omni pecunia sua, ubicumque sint. Teste Rogero Piger, per Aretum falconarium; apud Westmuster.

[CHURCH OF ST. MARY OF ABINGDON. ABOUT 1108.][1]

[The king's writ in favour of the church at Abingdon as to certain land.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda, salutem. Præcipio tibi ut sine mora facias habere ecclesiæ Sanctæ Mariæ de Abbendonia terram quam Rannulfus episcopus dedit Roberto de Calzmont, si illa terra est de dominio prædictæ ecclesiæ. Quia nolo ut ecclesia quicquam perdat quod habere debeat. Testibus W. cancellario, et R. filio Haimonis; apud Westmuster.

[ABBOT FARITIUS *v.* ARED ET AL. ABOUT 1108.][2]

[The king's writ directing that the plaintiff be permitted to take away wood.]

HENRICUS, rex Angliæ, Ared falconario, et omnibus forestariis suis, salutem. Volo et præcipio ut omnia ligna et virgus, quæ fuerint data, vel vendita, hominibus abbatis Faritii de Abbendona ad opus suorum operum, sine omni impedimento et disturbatione possint ea conducere in pace quocunque voluerint. Teste Rogero Bigod; apud Wincestram.

[1] 2 Hist. Mon. Abingd. 83 (Rec. Com.). [2] Ib. 78.

[Abbot Faritius v. Robert Maledoit. 1108?][1]

[The king's writ ordering the defendant to perform the customary land service to the plaintiff; in case of failure, the plaintiff to act his pleasure in respect of the land.]

Henricus, rex Angliæ, Roberto Maledocto, salutem Præcipio tibi ut abbati Faritio facias servitium terræ quam tenes, sicut tui antecessores fecerunt tempore Adelelmi abbatis. Et nisi feceris, tunc præcipio ut abbas prædictus de terra sua, quam tenes, suam voluntatem faciat. Teste Ricardo de Retveres; apud Becceleam.

[Abbot of Abingdon. 1108?][2]

[The king's writ directing respect to the plaintiff's right to the hundred of Hornmere, and to the trial of a certain cause.]

Henricus, rex Angliæ, Hugoni de Bochelanda, et justiciariis suis, et omnibus baronibus suis, Francis et Anglis, de Berchescira, salutem. Præcipio quod abbas de Abbendona habeat hundredum suum de Hornimera bene, et in pace, et honorifice, sicut unquam antecessores sui melius habuerunt tempore patris mei, et fratris mei, et meo, et nominatim placitum de equa unde Osbertus calumniatus fuit. Teste cancellario: apud Wintoniam.

[1] 2 Hist. Mon. Abingd. 91 (Rec. Com.)

[2] Ib. 115.

[ABBOT HUGH v. CANONS OF ST. MARTIN. 1107—1109.][1]

[Writ of the king confirming a recovery by the plaintiff of the right to a prebend at St. Martin's of Dover.]

HENRICUS, rex Anglorum, Anselmo archiepiscopo, et conventui canonicorum Sancti Martini de Dovera, et Haimoni dapifero, et baronibus suis et fidelibus, Francis et Anglis, de Kent, salutem. Sciatis quod abbas Hugo Sancti Augustini Cantorberiæ, per dirationamentum regni mei et curiæ, habet præbendam unam de me in ecclesia Sancti Martini de Dovera, sicut antecessores sui habuerunt de antecessoribus meis. Et volo et præcipio, ut ipse ita plene eam habeat et ita deserviat, per unum canonicum in ecclesia Sancti Martini, sicut antecessores sui plenius et melius habuerunt et deservierunt. Et quicquid inde captum est postquam ipse Hugo abbas fuit, totum ei reddatur. Quod nisi ita factum fuerit, tu, Haimo, justifica inde adversarios. Testibus Rogero episcopo et Willelmo Exoniæ episcopo, apud Westmonasterium in Pentecost.

The prelates who witness this writ were consecrated in 1107, and Anselm, to whom it is directed, died in 1109. In the Chronicle of St. Augustine the date of the writ is incorrectly given as in 1101.

[ABBOT FARITIUS v. MEN OF FARNHAM. 1108?][2]

[The king's writ of trespass for the carrying away of grass.]

HENRICUS, rex Angliæ, Rogero episcopo Salesberiæ, salutem. Mando tibi quod plenum rectum teneas abbati de Abbendonia de hominibus meis de Fernham de fœno suo, quod vi ceperunt de prato suo. Teste G. filio Pagani; apud Wdestoc.

Observe here a prototype of trespass *vi et armis*.

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[1] Hist. Mon. St. Aug. 357 (Rec. Com.).
[2] 2 Hist. Mon. Abingd. 84 (Rec. Com.).

[ABBOT FARITIUS v. JORDAN DE SACKVILLE. 1108 ?][1]

[The king's writ as to disseisin of lands.]

HENRICUS, rex Angliæ, Jordano de Saccevilla, salutem. Præcipio tibi ut plenum rectum facias Faritio abbati et ecclesiæ de Abbendonia de terra quam abstulisti eis, quam Radulfus de Cainesham dedit ecclesiæ in eleemosyna; et nisi sine mora feceris, præcipio quod Walterus Giffardus faciat, et si ipse non fecerit, Hugo de Bochelanda faciat, ne inde clamorem audiam pro recti penuria. Teste Goisfrido de Magnavilla, apud Wodestoc.

Observe in this and the following writ a prototype of the fixed writ of right of Glanvill. Lib. 12, c. 3.

[SAME PARTIES. 1109 ?][2]

[The king's second writ concerning the same lands, Jordan having failed to do justice to Faritius.]

HENRICUS, rex Angliæ, Waltero Giffardo, et Agneti matri suæ, salutem. Præcipio ut teneatis plenum rectum Faritio abbati de Abbendonia de terra, quam Radulfus Kauresham posuit ad Abbendonam vestra concessione, et unde ecclesia fuit saisita; et ita facite, ne inde clamorem audiam pro recti penuria. Teste Rannulfo cancellario; apud Windresores.

[MEN OF PERITON v. ABBOT FARITIUS. ABOUT 1109.][3]

[The abbot of Abingdon recovers judgment in the Exchequer,

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[1] 2 Hist. Mon. Abingd. 85 (Rec. Com.). [2] Ib. [3] Ib. 115.

before certain bishops and many barons, as to the manor of Lewknor; the queen by her writ attesting the fact.]

Homines de hundredo Peritune moliebantur manerium hujus ecclesiæ, Leuecenore appellatum, suo juri mancipare; sed is abbas in castello Wincestre, coram episcopis Rogero Saresberiensi, et Roberto Lincolniensi, et Ricardo Lundoniensi, et multis regis baronibus, ratiocinando ostendit declamationem eorum injustam esse. Quare justiciariorum regis judicio obtinuit, ut illud manerium nulli alteri hundredo nisi proprio debeat in aliquo fieri obnoxium. Sed quia rex tunc in Normannia erat, regina, quæ tunc præsens aderat, taliter hoc sigillo suo confirmavit:

Mathildis, Angliæ regina, Roberto episcopo Lincolniensi, et Thomæ de Sancto Johanne, et omnibus baronibus, Francis et Anglis, de Oxenefordscira, salutem. Sciatis quod Faritius abbas de Abbendona in curia domini mei et mea apud Wintoniam, in thesauro,[1] ante Rogerum episcopum Salesberiensem, et Robertum episcopum Lincolniensem, et Richardum episcopum Lundoniensem, et Willielmum de Curceio, et Adam de Porto, et Turstinum capellanum, et Walterum de Gloecestria, et Herbertum camerarium, et Willielmum de Oileio, et Goisfredum filium Herberti, et Willielmum de Enesi, et Radulfum Basset, et Goisfredum de Magnavilla, et Goisfredum Ridel, et Walterum archidiaconum de Oxeneford, et per Librum de Thesauro[2] disratiocinavit quod Leuecanora manerium suum nihil omnino debet in hundredo de Perituna facere; sed omnia quæ debet facere, tantummodo in hundredo Leuacanora facere debet, in quo hundredo habet ecclesia de Abbendona X. et VII. hidas. Testibus Rogero episcopo Salesberiensi, et Willielmo de Curci, et Adam de Porto; apud Wincestriam.

[1] Exchequer. See *post*, p. 127.

[2] Doomsday.

[ABBOT FARITIUS *v.* MEN OF SUTTON. 1109—1110.][1]

[The plaintiff obtains judgment in favour of the abbey of Abingdon as to customs claimed by the defendants in an action for trespass to land, tried before the sheriff of Berkshire.]

ANNO decimo regni Henrici regis, apud Suttunam residente plenarie scira, et maxime pro causa quæ sequitur, disrationavit domnus abbas Faritius, et monachi de Abbendona, terram de Culeham solidam et quietam de omnibus consuetudinibus, et de omnibus hominibus, ad opus eccelesiæ Abbendonensis, et maxime de quadam violentia, quam homines de supradicto manerio Suttune inferebant illi terræ, scilicet in accipiendis glebis illius terræ ad opus molendini et piscariæ regis. Unde,—sicut antecessor illius, Adelelmus abbas, tempore Willelmi senioris regis, et tempore Frogerii vicecomitis, terram supradictæ villæ Culeham a tali violentia quietavit,—sic et iste abbas Faritius, eo die et eo tempore, quo supradictum est, quietavit eam a supradicta violentia et omnibus consuetudinibus, in præsentia Hugonis[2] vicecomitis, probi et sapientis viri, qui non solum Berchesciræ, sed etiam aliis VII. sciris præerat vicecomes, adeo erat nominatus vir et carus regi, et in præsentia multorum hominum trium scirarum ibi assistensium.

[The offence secretly renewed, and judgment therefor again obtained.]

Post istam disratiocinationem, cum in eorum non fuisset ausu hominum quod pridem egerant jam publico in conspectu iterare, clanculo id repetunt. De qua re cum certi nuntii relatio abbati esset perlata, vicecomitatum tunc Berchesciræ regenti, Hugoni de Bochelande, eandem retulit, cujus et jussu in hundredo ipsi Suttunæ, prædictæ

[1] 2 Hist. Mon. Abingd. 117 (Rec. Com.).

[2] de Bocland.

regis villæ adjacenti, rectum de hac injustitia ecclesiæ et abbati per judicium ejusdem hundredi hujusmodi persolutum fuit.

[Abbot Faritius *v.* Gamel.][1]

[A similar case to that above reported, with judgment in favour of the plaintiff by the justiciars of the hundred.]

Erat eo tempore molendinarius molendini, quod situm est super flumen Tamisiæ, ad orientalem partem prædictæ villæ regis, nomine Gamel, qui horis, ex altera parte fluminis, de terra villæ Culeham pertinenti, glebas clam effodiens pro reficiendo molendino, nocturnis, cujus curam habebat, exportare solebat. Et cum de hac sua temeritate in hundredo ipso interpellatus negare nequivisset, et pro hoc jure legis subactus esset, decreverunt justiciarii hundredi debere eum abbati et ecclesiæ emendationem V. mancusarum denariorum exsolvere. Quod et fecit.

[Cellarer of Abingdon *v.* Master of a Ship. 1110—1111.][2]

[Judgment obtained by the plaintiff in favour of customs concerning vessels, on writs directed to the king's justiciars and sheriffs of Berkshire and Oxford, the trial taking place in the house of a priest.]

Consuetudo hujus ecclesiæ est a tempore domni Ordrici abbatis, ut de unaquaque navi Oxeneforde civitatis, quæ

[1] 2 Hist. Mon. Abingd. 118 (Rec. Com.). [2] Ib. 119.

transitum fecerit per aquam Tamisiæ prope curiam Abbendonensem, versus australem scilicet partem diffluentem, cellerario centum allecia omni anno more debito reddantur, aut pro eis condignum pretium, ita ut navium remiges non interrogati eadem cellerario deferant, a tempore videlicet Purificationis Sanctæ Mariæ usque ad Pascha. Quod si eorum aliquis hanc consuetudinem detinuisse inventus fuerit, hujusmodi navem cellerarius, ne per aquam transeat ecclesiæ, jure detinet, donec sibi rectum faciat.

Hanc ecclesiæ consuetudinem, tempore domni Faritii abbatis, nautæ prædictæ civitatis moliti sunt ecclesiæ abripere; sed cito eos ab hac temeritate disratiocinatione justa idem abbas repressit, ita ut eadem regi Henrico allegaret, et rex per sua brevia justiciariis suis et vicecomitibus Berchescire et Oxenefordscire præciperet, quatenus rectam justitiam inde facerent, ne ecclesia ultra hujusmodi consuetudine sua careret. Itaque, eodem rege regnante, anno imperii sui XI. et Thoma de Sancto Johanne ac Ricardo de Monte Oxenefordscire vicecomitibus constitutis, apud eandem Oxeneforde civitatem, in domo Hardingi presbyteri, de hac re placitum habitum est, et majorum ejusdem loci communi judicatum est decreto Abbendunensem ecclesiam justam rem exigere, et eam a civitatis totius navigio debere omni anno persolvere.[1]

[In the following year there was a like case, with a similar result.]

Sequenti quoque post hoc anno Radulfus cellerarius ejusdem, coadunatis Oxeneforde primoribus, questus est quod de quibusdam eorum nautis necdum jam decretam consuetudinem habuisset. Quibus illico accer-

[1] persolvi?

sitis, præcipitur navibus ejusdem cellerarii debitum eidem ecclesiæ coram reddere. Et ita factum est, cunctis qui aderant testibus. Ad hanc disrationtionem fuerunt hi præsentes, Ricardus de Monte, tunc vicecomes, Walterus archidiaconus, et multi alii.

[Abbot Faritius v. Adelelm of K. and Robert of B. 1110?][1]

[The plaintiff obtains judgment in favour of the church at Abingdon for dues claimed from the church at Kingston; judgment being given *a primis senioribus*.]

Ecclesia de Kingestona subest parochiali ecclesiæ de Uurthe, et hoc ab antiquo jure. Iccirco cum ecclesia ipsa de Kingestuna dedicaretur cum cœmeterio per domnum Osmundum episcopum, duo ex monachis nostris, Alfricus scilicet quondam prior, et Modbertus, illic cæterorum fratrum loco consistens, episcopo calumniati sunt consuetudines matris ecclesiæ, quæ est apud Wrtham. Quo tempore Rainaldus præerat ecclesiæ abbatis regimine. Itaque hujuscemodi imposita calumnia, postea a primis prædictæ villæ senioribus consultum est, videlicet Radulfo de Bakepuz et Adelelmo, quatenus annuatim ecclesiæ Abbendoniæ ad Pentecosten ab eis utrisque donarentur XVI. denarii, id est, duæ oræ, et ad ecclesiam de Uurtha similiter a singulis I. acra, I. porcus, et I. caseus. Sed mortuo Radulfo, cum ejus filius Henricus sibi succederet, prædictam persolvere pactionem neglexit. Verum eo, tempore non multo post, improvisa morte sublato ex hac vita,

[1] 2 Hist. Mon. Abingd. 120 (Rec. Com.).

frater ejus Robertus heres illi factus est suarum rerum. Qui tempore Quadragesimali Abbendoniam veniens, regnante tunc Henrico rege, et domno Faritio existente abbate, promisit coram multis testibus ab illo deinceps se redditurum prædictam pactionem.

[The writ to Robert and Adelelm.]

Rogerus, episcopus Saresberiæ, Adelelmo de Kingestuna et Roberto de Bachepuz, salutem. Præcipio vobis quod reddatis ecclesiæ de Abbendona rectitudines, quas illi debetis de ecclesia vestra de Kingstuna. Et nisi feceritis, Ilbertus decanus interdicat divinum officium apud Kingestuna. Apud Westmonasterium.

[Church of St. Mary of Abingdon. About 1110.][1]

[The king's writ forbidding all persons from disturbing the church of St. Mary in carriage by land or by water.]

Henricus, rex Angliæ, baronibus suis, et vicecomitibus et ministris suis, salutem. Prohibeo ne aliquis disturbet ullo modo carreiam Sanctæ Mariæ de Abbendona, nec aliquid aliud quod sit dominicum abbatis, vel monachorum ejus, vel per terram, vel per aquam disturbet; sed in pace eat et redeat quicumque rem suam, sive victum sive aliquod aliud, quod ad opus ecclesiæ pertineat, conduxerit. Teste Willielmo cancellario; apud Lundoniam.

[1] 2 Hist. Mon. Abingd. 78 (Rec. Com.).

[Monks of Abingdon. About 1110.][1]

[The king's writ discharging the monks of Abingdon from toll, passage, and customs.]

Henricus, rex Angliæ, omnibus vicecomitibus et præpositis, et omnibus ministris suis totius Angliæ et portuum maris, salutem. Præcipio quod omnia, quæ ministri monachorum de Abbendona emerint ad victum et vestitum, et utensilia monachorum, in civitatibus et burgis, et omnibus aliis mercatis Angliæ, sint quieta de theloneo et passagio, et omni consuetudine, unde homines sui affidare poterint suas esse dominicas; et nullus eos vel res illas inquietet, vel injuste disturbet, super X. libris forisfacturæ. Testibus cancellario et Milone de Gloecestria; apud Abbendoniam.

[Abbot and Monks of Abingdon. About 1110.][2]

[A similar writ.]

Henricus, rex Angliæ, Hugoni de Bochelanda, et omnibus vicecomitibus et ministris totius Angliæ, salutem. Præcipio quod omnes res propriæ abbatis et monachorum de Abbendona, quod ministri sui vendiderint et emerint, sint quietæ de tholoneo, et consuetudine, et passagio, unde homines sui affidare poterint quod suæ sint; et prohibeo ne aliquis eos disturbet, super X. libris forisfacturæ. Teste cancellario; apud Merleberiam.

[1] 2 Hist. Mon. Abingd. 78 (Rec. Com.).

[2] Ib. 79.

[ABBOT FARITIUS *v.* RICHARD DE MONTE ET AL. 1110 ?][1]

[The king's writ commanding that the plaintiff hold in peace certain land in Garsington, answerable to no one.]

HENRICUS, rex Angliæ, Ricardo de Monte, et omnibus baronibus, Francis et Anglis, de Oxenefordscira, salutem. Sciatis quia volo et præcipio ut abbas Faritius et abbatia de Abbendona, in pace et sine calumnia omnium hominum, teneant terram in Gersendona, quam Perchehaia tenebat, et nulli inde respondeant; et ita bene teneant sicut abbatia tenuit tempore patris et fratris mei, et meo. Testibus Johanne episcopo Luxovii, et Gilleberto filio Ricardi; apud Windresores.

[LIBERTIES OF ABINGDON. 1110 ?][2]

[The king's writ to the abbot of St. Mary of Abingdon confirming his right to try robbers.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda, et Albrico, et omnibus baronibus, Francis et Anglis, de Berchesira, salutem. Sciatis me concessisse Faritio abbati Sanctæ Mariæ de Abbendona, ut ipse faciat justitiam suam de presbytero latrone, qui in captione sua in Abbendona est, et de aliis latronibus suis faciat justitiam suam similiter, vidente comitatu. Teste Rogero Bigod. Per Walterum Hosatum; apud Bruhellam.

[1] 2 Hist. Mon. Abingd. 89 (Rec. Com.).

[2] Ib. 90.

[Abbot Hugh v. Manasser Arsic. 1110.][1]

[The king's writ confirming a judgment of the plaintiff for the recovery of certain lands.]

Henricus, rex Anglorum, archiepiscopis, episcopis, comitibus, vicecomitibus, baronibus, et omnibus fidelibus suis, Francigenis et Angligenis, salutem. Sciatis quod Hugo abbas Sancti Augustini Cantuariæ dirationavit in curia mea terras suas de Ripple et Langedone, cum omnibus illis pertinentibus contra Manasserum Arsic. Et volo et concedo et firmiter præcipio, ut a modo in perpetuum in dominio ecclesiæ eas teneat, ita bene et honorifice sicut ipse abbas Hugo melius et honorabilius et quietius tenet suas alias dominicas terras. Testibus episcopo Lincolniæ, et comite de Mell., apud Windesoram in Pentecoste, in anno quo rex dedit filiam suam imperatori. Hoc dirationatum fuit apud Londoniam in Rogationibus.

[Abbot Faritius. 1111.][2]

[The king's writ in favour of the abbot concerning a hide of land, which Faritius is to hold in peace; and if disseised thereof, he is to have possession again, as well as of anything taken away.]

Henricus, rex Angliæ, R. vicecomiti de Oxeneforda, et Rainero de Batha, salutem. Præcipio quod Faritius abbas Abbandone ita bene et quiete teneat hidam terræ de Fencote, quam tenuit de Adelina de Iuri, cum omnibus rebus quæ ad eam pertinent, sicut melius et

[1] Hist. Mon. St. Aug. 362 (Rec. Com.).
[2] 2 Hist. Mon. Abingd. 73 (Rec. Com.).

quietius tenuit, et si inde dissaisitus est, resaisiatur, et bene et in pace teneat; et si quid inde captum est, cito inde similiter resaisiatur; et inibi faciat quod juste facere debet. Teste Nigello de Albinni: apud Wincestriam.

[ABBOT FARITIUS. ABOUT 1111.][1]

[The king's writ directing the protection of Faritius in lands at Welgrave.]

HENRICUS, rex Angliæ, Roberto et Aluredo, ministris comitis de Mellent, de Wellegrave, salutem. Præcipio vobis ut custodiatis omnes terras abbatis de Abbendona, quæ circa vos sunt, et ne patiamini ut aliquis per vos, sive per alium, quicquam in eis forisfaceat; et ad minus volo et præcipio, ut ipse ita bene, et quiete, et libere teneat prædictas terras, sicuti erant solutæ, et liberæ, et quietæ quando manerium de Uuellegrava erat in manu mea; et homines sui sint in pace et sine calumnia. Testibus Rannulfo cancellario et Johanne de Baiocis; apud Niuueberiam.

[ABBOT FARITIUS *v.* HUGH, SON OF TURSTIN. 1111?][1]

[The king's writ directing the plaintiff to do justice upon the defendant, if the latter fail to do the service pertaining to his land.]

HENRICUS, rex Angliæ, Faritio abbati de Abbendon salutem. Si Hugo filius Turstini noluerit facere servitium quod terræ suæ tibi pertinet, in operatione

[1] 2 Hist. Mon. Abingd. 77 (Rec. Com.). [2] Ib. 90.

parcorum et pontium, et de omnibus aliis rebus, tunc præcipio ut tu ipse inde justitiam facias, ut omnia, quæ facere debet, faciat. Teste cancellario; apud Pontem Arcarum.

[The King v. Hugh, Son of Turstin. 1111?][2]

[The king's writ ordering payment of money dues to be made by the defendant, on penalty of distraint.]

Henricus, rex Angliæ, Hugoni filio Turstini, salutem. Præcipio tibi ut ita geldas cum Faritio abbate de Abbendona, sicut geldare solebas, et ita ne amodo terra sua sit esnamiata pro terra tua super X. libras forisfacturam meam. Quod nisi cito feceris, Albricus de Berchescira te constringat per pecuniam tuam ut cito facias, et ita ne inde amplius clamorem audiam, super X. libras forisfacturæ. Teste Roberto episcopo Lincolniæ; apud Wlfrunehamtune.

[Abbot of St. Augustine v. Archdeacon of Canterbury. 1113.][2]

[The king's writ directing a trial as to the rights of the parties in respect of customs of priests of the abbey of St. Augustine.]

Henricus, rex Anglorum, Radulpho Roffensi episcopo,

[1] 2 Hist. Mon. Abingd. 91 (Rec. Com.).
[2] Hist. Mon. St. Aug. 361 (Rec. Com.).

salutem. Tene plenum rectum inter abbatem de Sancto Augustino et inter archidiaconum de Cantuaria, de sacerdotibus abbatiæ Sancti Augustini; ut abbas ita juste habeat consuetudines suas de presbyteris suis, sicut Scollandus abbas melius habuit. Teste Haimone dapifero, apud Westmonasterium.

[ABBEY OF ABINGDON. 1116?][1]

[The king's writ commanding that the abbey be put again in seisin of certain lands.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda, salutem. Præcipio tibi ut eas Abbendonam, et de omnibus terris quas Modbertus dedit vel præstitit, vel emit ab aliquo et dedit alii, resaisias ecclesiam, et juste facias habere sicut de Herberto camerario, et Warino calvo, et Turstino, et Hugone, et omnibus aliis, ita ne amplius inde pro recti penuria audiam clamorem. Testibus Willielmo cancellario et Rogero capellano; apud Lundoniam.

[ROBERT MALART v. BRICSTAN. 1116.][2]

[Bricstan, a man of some means, having applied for admission into the order of monks at Thorney Abbey, the fact comes to the ears of Robert Malart, with the following result: viz., Malart accuses him before the monks of crimes; he is brought to trial before Ralph Basset (the justiciar), and abbots, clerks, and monks, and is convicted.]

AUDITO, ut diximus, rumore prædicti viri religionis

[1] 2 Hist. Mon. Abingd. 86 (Rec. Com.).

[2] 3 Ord. Vital. 125 (French Hist. Soc.).

habitum arripere cupientis, magistri sui doctrinam, qui semper mentitur aut decipit, secutus, advenit ille Rodbertus. Qui dicturus mendacium, a mendacio incipiens, ait nobis: "Hunc hominem: Bricstan scilicet, furem esse, pecuniam regis propriam in latrocinio habere, celare, et ut criminis hujus judicium et pœnam evadere valeat, non causa ulterius salutis monachatum quærere sciatis. Ipse namque thesaurum occultum invenit, ex quo furtim sublato fœnerator effectus est. Tantorum itaque reus criminum latrocinii videlicet et usuræ, præsentiæ regis vel judicum metuit assistere. Quapropter huc ad vos ex regis imperio missus, interdico ne illum in vestro collegio audeatis suscipere." Nos autem, audita regis defensione, timentes iram ejus incurrere, noluimus hunc hominem cœtui nostro conjungere. Quid plura? Sub fidejussoribus missus, ducitur ad judicium. Radulfo autem Basso sedente pro tribunali, congregatis etiam provincialibus universis apud Huntedoniam (ut mos est in Anglia[1]), ego ipse Herveus, cum abbatibus Rainaldo Ramesiensi, et Rodberto Tornensi, necnon clericis pluribus et monachis interfui. Et ne vos longius protraham, accusatus ille cum uxore præsentatur; crimena sibi falso imposita renovantur. Ille non acta negabat, quod non fecerat confiteri nequibat. E contra, de mendacio arguitur, deridetur; erat enim aliquantulum corpulentus, mediocris personæ, et honestam (ut ita dicam) cheriem habebat. Post multas vero illatas sibi sine merito contumelias, velut Susannam præjudicaverunt ipsum, cum omni omnino possessione ditioni regis tradendum.

[1] The author of this record was Warin, abbot of St. Evroult in Normandy, from whom Orderic quotes it.

[CHURCH AT ABINGDON *v.* THE KING'S COLLECTORS. 1119.][1]

[Lands in Berkshire adjudged not subject to tax; a man of the church making oath at a county court concerning the freedom of the land.]

ANNO III. post obitum Faritii abbatis, cum adhuc abbatia hæc in attentione abbatis fuisset, et a consideratione regia ad id adipiscendum, dominium ecclesiæ erat quietum a geldis quæ exigebantur in comitatu universo. Sed tamen in comitatu Berchescira a collectoribus amplius exigebatur quam debebatur de gildatione ecclesiæ contingenti; et hoc frequenter. Unde clamore apud regiam justitiam facto, decretum est, ut aliquis de ecclesiæ affidaret fide in comitatu prædicto quot hidis dominicis ecclesia deberet quietari, scilicet per episcopum Salesberiensem Rogerum, et per Lincolniensem Robertum, et Rannulfum cancellarium, qui nominatim multum adjuvit inde, et Radulfum Basset. Itaque sedente comitatu apud Suttunam, et Willelmo de Bochelande vicecomite existente, die lunæ post festum Sancti Martini proximo, Rogerus de Hartelvilla, homo ecclesiæ, pro ecclesia affidavit fidem in manu ipsius vicecomitis, vidente toto comitatu, quod de septies XX. hidis de dominio deberet abbatia in Berchescira esse quieta, quando gildaretur. Tunc erat collector comitatus Æduuinus presbyter de Celsi, et Samuel filius ejus. Ibi fuerunt de nostris, Robertus sacrista, et Willelmus Brito, et alter Willelmus monachus, et Willelmus de Suvecurda, et Turstinus, et Radulfus camerarius, et multi alii.

[1] 2 Hist. Mon. Abingd. 160 (Rec. Com.).

[MODBERT *v.* PRIOR AND MONKS OF BATH. 1121.][1]

[The plaintiff claims certain land at Bath, as the adopted heir of G. late owner, and has a writ of seisin. The defendants on the other hand affirm that G. held for life under themselves, and surrendered to them the land in his last sickness, and produce witnesses. A charter is also introduced in evidence by the defendants. The court being much divided in opinion, the oldest and most skilled in the law are requested to retire and decide the matter. Their decision is that the plaintiff must produce two witnesses from the defendants' church, or a genuine charter. The plaintiff is silent, and judgment is given for the defendants; the court being composed of bishops, archdeacons, clerks, chaplains, and others.]

DE terra Grantæ in Stocha north. Mense Junio in crastino festivitatis apostolorum Petri et Pauli, residente in curia sua Bathæ Johanne episcopo, cum amicis et baronibus, qui simul ad diem festum aderant, delatæ sunt ei litteræ cum sigillo regio: quarum forma hæc: Willelmus filius regis, Johanni episcopo de Batha salutem. Præcipio ut saisias Modbertum juste de terra quam tenuit Grenta de Stoca, sicut hæreditavit eum in vita sua. Teste episcopo Selesberiensi. Lectis litteris, episcopus dixit. Sicuti per has mihi litteras a filio Domini mei mandatum est fieri, si tamen justum est acquiesco. Vos autem, vos amici mei et Domini, qui propter apostolicum diem solenniter huic adestis curiæ, quid in hoc justius sit discutere precor dignemini. Ad hæc domnus prior, habito cum fratribus consilio, data diligenter ab omnibus audientia, sic locutus est: Quoniam quidem nonnisi juste aliquid hic fieri neque rex neque regis filius præcipit, et vobis tanquam viris bonis et juris peritis utrum justum sit quod præcipitur discutere committitur, quomodo se rei veritas habeat manifestius videbitis, si me breviter locuturum patienter

[1] Mad. Hist. Exch. 75 (fol. ed.).

audire velitis. Constat quidem quod terra hæc de qua nobis hic sermo oritur, a diebus antiquis hujus sanctæ domus Domini fratribus in usus proprios et possessionem liberam data, nullius unquam mutatione regis, episcopi, vel abbatis, in jus militare transiit. Quod ipse Grenta de cujus hæreditate nunc agitur moriens etiam non tacuit. Nam cum, nobis præsentibus, domui suæ disponeret, et rei peculiaris partes nominatim divideret, secreto monitus a domesticis ut testamentum faciens publice sibi hæredem substitueret. Ait, Hæc est hæreditas servorum Domini; quam vice stipendii non hæreditatis lege quoad viverem tenere permissus, ipsum me cum terra, fratribus quibus id juris est, nunc moriens relinquo. Hoc est quod fecit testamentum: et hæc verba illius novissima. Post quæ vexatus per dies aliquot, monachus diem obiit. Præsentes hic etiam quosdam video, quos omnibus his interfuisse simul et audisse gratissimum habeo. Surgentes ilico testes quidam legitimi stantes in medio constanter asserebant, se modis omnibus probaturos, eum ne uno quidem verbo veritatis præterisse vestigia. Carta nichilominus donationis antiquæ mox lecta est; quam Kenulfus rex Saxonum scribi præcepit et manu propria signavit, consentientibus et annuentibus archiepiscopis, episcopis, abbatibus, et omnium dignitatum primatibus ac ministris. Et ut ibi legebatur, eandem cartam signo crucis notantes imprecati sunt in illum iram furoris Domini, quicunque tam liberale christianissimi regis donativum quocunque deteriorationis genere pervertere præsumpsisset in æternum. Lectis igitur et expositis quæ carta continere videbatur, ratiocinationis jam dictæ veritas solidata est; aliis bona laudantibus, aliis ex adverso tumultuantibus; illo præcipue occlamante, qui

se non minus procaciter quam mendaciter hæredem contendebat esse; justissime; quippe qui filiam defuncti conjugem habuerit; adoptatus ab ejusdem patre dum viveret in filium; patrem vero non stipendiarie, ut oppositum est, sed libere potius et hæreditarie terram de qua questio erat tenuisse. Cunque diutius variis ab alterutrum contradictionibus causa protenderetur, dixit episcopus. Quia dies præterit, et ad nos alia spectant negotia, placet ut vos quos nec advocatos nec partium fautores esse cognovimus causam diligenter perpendentes quo termino sopiri debeat judicetis. Secedentes igitur a turba qui majores natu qui juris peritiores esse videbantur, singula juxta quod audierant subtiliter et discrete pensantes causam dijudicaverunt. Quibus iterum introgressis, sic unius ore pro omnibus relatum est. Considerantes, inquit, totam hujus causæ circumstantiam hoc diffinientes statuimus, ut hæredem jure qui se nominat id quod in assertionem suæ causæ paulo ante declamavit, testibus ad minus duobus de ecclesiæ familia liberis et legitimis hodie nominatis et octavo productis, vel cyrographo credibiliter signato, irrefragabiliter probet. At in utroque si defecerit, ne quidem audiatur in reliquum. Respondentibus ad hæc omnibus dignum et justum esse, calumpniator obticuit. A curia discessum est. Acta sunt hæc anno Domini MCXXI.; præsentibus et quod justum est approbantibus episcopis duobus, Johanne Bathensi et Mauricio Hiberniensi; cum archidiaconis tribus, Johele Salesberiensi, et Girberto Bathensi, et Araldo, cum clericis pluribus et capellanis; Atselino Hosato, Girberto Rufo, Radulfo Lauduni, Henrico de Lidiard, Rodberto de Betuna; horum testes sunt, Patricius de Caurz, Hubertus de Sancta Susanna, Winebaldus de Baalun,

Alexander de Alnoth, Reinaldus de Dunstanvilla, Giffardus de Salforda, Helias de Deingt., Thomas de Bacuuil., Rodbertus, Rogerus de La mare, Willelmus dapifer, item Willelmus.

[The king's writ of confirmation.]

Henricus rex Anglorum, episcopo de Batha salutem. Præcipio quod monachi de Batha ita bene et in pace et juste et honorifice teneant terram suam de Stoca, quam Grenta tenuit, sicut dirrationaverunt eam contra Modbertum per judicium curiæ tuæ, ne super hoc amplius inde clamorem audiam. Et nisi feceris, Warinus vicecomes et Durandus de Moiun faciant fieri. Teste episcopo Salisberiensi, apud Westmonasterium.

[Another writ to the same effect by king Stephen.]

Stephanus rex Anglorum, Rodberto episcopo Bathoniæ salutem. Præcipio quod monachi de Bathonia ita bene et in pace et juste et honorifice teneant terram suam de Stocha, quam Grenta tenuit, sicut eam disrationaverunt contra Modbertum, per judicium curiæ Johannis episcopi; ne super hac ulla fiat eis inde disturbatio. Et nisi feceris, justitia mea faciat. Teste Rodberto de Ver, apud Goldintonam.

[Monks of Durham v. Monks of York. 1121.][1]

[The plaintiffs, by the testimony of a certain witness, recover a church of which they had been unlawfully disseised by one under whom the defendants claim; the trial occurring before many great men.]

Monachi Dunelmenses facta de ecclesia quæ est in

[1] 1 Twysden's Scriptores, 243 (Simeon of Durham).

Tynemutha proclamatione in capitulo Sancti Petri Eboraci præsentibus episcopis Turstino prædicto, Ranulfo Dunelmensi et Homo Sancti Ebroini aliisque multis, hanc sui juris fuisse conquesti sunt ex concessione Waltheofi comitis, quando consobrinum suum, scilicet materteræ suæ filium, Markarum puerum parvulum eis nutriendum Deo in Gyrwensi monasterio contradedit. . . . Postremo cum Albrius honorem comitatus suscepisset, ipse quoque nobis in Dunelmum translatis, eundem locum donavit. Unde mox ex capituli totius sententia monachus noster Turchillus illuc mittitur, qui renovato ecclesiæ ipsius culmine, per multum tempus habitavit ibidem, donec postea a Rodberto de Mulbreio comite, propter odium quod contra episcopum Willielmum habuerat, per ministros ipsius comitis Gumerum et Rodbertum Taca violenter expelleretur. Non multo post abbas monasterii Sancti Albani Paulus prædictam ecclesiam a comite impetravit, quam visurus cum venisset Eboracum, Turgotus qui tunc Dunelmensis ecclesiæ prioratum gerebat, missis illuc monachis et clericis, in præsentia archiepiscopi Thomæ senioris, multarumque magnæ reverentiæ personarum, canonica illum auctoritate prohibuit, ne locum juris ecclesiæ Dunelmensis sibi usurparet, et sic sacrorum canonum et fraternæ caritatis violator existeret. At ille indigna respondens, illud prohibitum nichili pendit. Sed cum illo pervenisset, correptus infirmitate, dum rediret, non longe ab Eboraco in Seterintun vitam terminavit. Taliter ecclesiam de Tinemutha amisimus.

Hæc querimonia facta Eboraci media ferme Quadragesima, replicatur paulo post in ebdomada Paschali feria IV. idus Aprilis Dunelmi coram magno conventu principalium virorum, qui tunc forte propter negotia

quædam illuc confluxerunt, scilicet Rodbertus de Brys, Alanus de Perceio, Walterus Espec, Forno filius Sig., Rodbertus de Wituila, Odardus vicecomes Northymbrensium cum majoribus ejusdem comitatus, aliisque quamplures. Coram horum frequentia cum suas monachi depromerent querelas, ecce Harnoldus de Perceio, vir genere et divitiis notus, et in veritate asserenda constans, exurgens, in testimonium veritatis affirmabat coram omnibus, et audisse se et vidisse comitis pœnitentiam super hanc injuriam quam Sancto Cuthberto[1] violenter irrogaverat. Cum, inquit, captus comes in loco quem Sancto Cuthberto abstulerat, propter inflicta sibi vulnera in feretro delatus esset Dunelmum, rogavit ut sibi liceret ad orandum ecclesiam intrare. Quod cum sibi a baronibus non permitteretur, in lacrimas resolutus, et ad ecclesiam respiciens cum gemitu, ait, "O Sancte Cuthberte, juste has calamitates patior, quia n te et in tuos peccavi. Hæc est tua super meam vitæ nequitiam vindicta. Precor te Sancte Dei miserere mei." His auditis, omnes injuste actum esse contra Dunelmensem ecclesiam dicebant: et licet res in præsenti corrigi nequiverit, tamen prudenter hanc calumpniam pro futuro tempore coram tot virorum frequentia factam asserebant.

[MONKS OF ST. STEPHEN v. THE KING'S TENANTS. 1122.][2]

[The plaintiffs allege that the defendants have unlawfully occupied certain of their lands. The king orders the question to be de-

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[1] At Durham.

[2] 2 Palgrave, Commonwealth, 183.

cided by four neighbouring towns. Seven hundreds assembled before Warin, sheriff. Sixteen men sworn to make true affirmation on inquisition, affirm that the land has always been, and ought to be appurtenant to B., as claimed by the plaintiffs.]

ANNO millesimo centessimo vicessimo secundo ab incarnatione Domini. Henricus rex Anglorum præcepit ut quærela monachorum Sancti Stephani Cadomi, quam faciebant de terra, quæ pertinet ad Bridetonam,[1] quam homines regis de Brideport præripuerant, et auxilio ministrorum regis potiti diu tenuerant, sub examinatione judicum discutaretur; ita quidem ut finis totius quæstionis in affirmatione virorum de quatuor partibus vicinitatis illius villæ ponaretur. Quod sepe dilatum, tandem ut fieret, instabat regis jussio. Die igitur statuto, calumpnia monachorum audita est coram septem hundredis qui convenerant super eandem terram, ex circumjacentibus et procul remotis villis, præsente Guarino vicecomite de Dorseta et Sumerseta cujus tenendum super hac re specialiter injunctum erat, et secundum regis definitionem juratum est. Nam sexdecim homines, tres videlicet de Brideport et tres de Bridetona et decem de vicinis, juraverunt se veram affirmationem facturos de inquisitione terræ illius. Qui, facta inquisitione, cujus rectius debeat esse affirmabant, juxta fidem juramenti, prædictam terram antiquitus adjacere ad Bridetonam. Et cujus fuerit Bridetona, ejus debere esset et terra illa. Quorum assertioni cuncti adquiescentes; Dei gratia, Sanctique Stephani meritis, sua jura conquærentibus adjudicabant, restituendamque terram illam ad Bridetonam, et monachis ilico tradendam. Sicque eodem die factum est. . . . Nomina vero illorum qui juraverunt, hæc sunt. Willielmus de Uer, Ranaldus Postel, Rualdus de Esterta,

[1] Granted to the abbey by the Conqueror.

Ricardus filius Livingi, Ailwardi de Denecahàm, Edwardus Chingenot, Saricus de Berewicia, Ailwardus de Bridia, Levericus Burdelin, Alwinus Bacon, qui erat præpositus, Edwinus filius Sarici de Brideport, Alvricus filius Sideflet, Tedwi de Brideport, Torgotus de Bridetona, Saricus de Bridetona, Alwinus filius Onwini de Bridetona.

[Abbot Vincent *v.* Ralph Basset. 1124?][1]

[The king's writ directing the defendant to permit the plaintiff to hold his court at Oxford, and directing an inquisition as to the plaintiff's rights in respect of his court.]

Henricus, rex Angliæ, Radulfo Basset, salutem. Præcipio quod facias habere Vincentio abbati Abbendonæ curiam suam in Oxeneford, ita bene et plenarie sicut unquam ipsa ecclesia Abbendonæ, vel aliquis antecessorum suorum, melius, et plenarius, et honorificentius habuit. Et homines sui non placitent extra curiam suam, nisi abbas prius defecerit de recto in curia sua, et sicut poteris inquirere per legales homines de Oxeneford quod habere debeat curiam suam. Teste cancellario: apud Uudestoca.

[Abbot Hugh. 1132.][2]

[The king's writ confirming a judgment concerning rents and customs, which judgment had been rendered in the time of William II. by three counties.]

Henricus, rex Anglorum, Haimoni dapifero, salutem.

[1] Hist. Mon. Abingd. 165 (Rec. Com.).
[2] Hist. Mon. St. Aug. 364 (Rec. Com.).

Præcipio ut facias, quod Sanctus Augustinus et Hugo abbas ita bene et honorifice et plenitudinarie habeat omnes redditus et consuetudines suas de Bathgorz, et inter cætera nominatim ecclesiam de Newingtone, sicut judicatum fuit tempore fratris mei in tribus comitatibus apud Suthwercam; quia volo ut sua omnia cum honore teneat. Et vide ne amplius inde clamorem audiam propter penuriam justitiæ. Teste Willelmo episcopo Exoniæ, apud Northamptone.

CASES OF THIS REIGN OF LESS CERTAIN DATE.

[ABBOT GAUSFRID AND THE ABBOT OF MARMOUTIER. ECCLESIASTICAL.][1]

[The abbot of Marmoutier seeks to subject the abbot of Battel to his jurisdiction. The former goes to the king privately with his case, but the king refuses to act without counsel. Gausfrid, hearing of the attempt, seeks to dissuade the king from any such act (to which he seemed disposed); and the king calls a council. The council requires the abbot of Marmoutier to produce deeds. The latter replies that he has none; that the king's word of mouth is sufficient; but this was denied by the council, at least if the donation were not proved by witnesses.]

GLORIOSI igitur regis Henrici virtutis ac magnificentiæ fama longe lateque percrebrescente, inter quamplures ipsius curiæ appetitores tunc temporis rege in Paschale solennitate apud Wintoniam coronato, de transmarinis partibus venerabilis Majoris Monasterii abbas Willelmus honorifice advenit, hanc maxime ob causam ut quoquo

[1] Chron. Mon. de Bello, 49 (Ang. Chris. Soc.).

pacto hanc de qua agitur ecclesiam de Bello sibi subjugando ancillaret. Is itaque a regia gratanter magnificentia exceptus, post dies tandem solennes adventus sui causam regi per internuntios sagaciter suggerere curavit. Rege itaque immodice ejus votis pro sui reverentia et ob id quam maxime quod de tam remotis partibus ultro suam expetisset curiam, favere conante, hinc tamen absque consilio nil definiri deliberavit. Affuit igitur et tunc inter reliquos regni primores in curia, uti regiæ aulæ secretis non exclusus, memoratus vir dominus Gausfridus, Bellensis ecclesiæ procurator. Qui dum hæc forte rescisset, causæ non segniter per se perque suæ fautores prudentiæ intendens, hinc regis penitus animum provide perstitit avertere. Cum ergo hac de re abbatis ejusdem legationem rex excepisset, dicentis a patre ipsius rege Willelmo Belli monasterium in subjectionis dominium Majori Monasterio ab initio fundationis illius collatum, confirmationis munimenta hinc ab ipso provide regii exigebant consiliarii. Ad hæc cum abbas, tanti viri donum verbotenus collatum absque arbitro posse sufficere, nec super hoc quodlibet confirmationis edictum quemquam hactenus quæsisse, quia nec necessarium fore putabant, astrueret; responsum est, non fore ratum posse donationem tantæ rei ubi scilicet et liberalis auctoritas dignitatum necnon et regiæ coronæ extabat signum, si non aut cartarum aut certe testium viva voce probata roboraretur. Hac igitur ratione tandem cassata[1] exactoris sollicitudine, hinc spes effectus excluditur.

[1] cessata.

[ABBOT RICHARD *v.* BISHOP RANULF.][1]

[The king's writ confirming a judgment obtained by the plaintiff as to the manor of Haddam, in the king's court, before the king and his barons.]

HENRICUS rex Anglorum Mauricio Lundoniensi episcopo, et Hugoni de Bochelande vicecomiti de Herefordsyra, et omnibus fidelibus suis tam clericis quam laicis salutem. Sciatis Ricardum abbatem de Ely diratiocinasse adversus Rannulfum Dunholmensem episcopum manerium de Haddam in curia mea apud Rumesi coram me et baronibus meis, ad dominium Sancti Petri et beatæ virginis Dei Ædeldredæ de Ely, et fratrum monachorum ibidem Deo famulantium. Volo igitur et præcipio ut ipsa abbatia de Ely teneat et habeat in dominio illud prædictum manerium de Haddam quiete et absque omni calumpnia amode et usque in sempiternum, testibus subscriptis Radulfo episcopo Lincolniæ, et Willelmo Giffardo episcopo Wintoniæ, et Johanne episcopo Baduæ, et Radulfo episcopo Cicestriæ, et alii plures quos enarrare longum est.

[ABBOT FARITIUS *v.* HUGH OF BOCLAND ET AL.][2]

[The king's writ directing observance of customs of the plaintiff in the Thames.]

HENRICUS, rex Angliæ, Hugoni de Bochelanda, et Willielmo de Oxeneford vicecomiti, salutem. Præcipio vobis ut faciatis Faritio abbati de Abbendona, et omni-

[1] Liber Eliensis, 298 (Ang. Chris. Soc.).
[2] 2 Hist. Mon. Abingd. 95 (Rec. Com.).

bus monachis Abbendoniæ, habere omnes consuetudines in omnibus rebus, quas habere debent, per aquam Tamisiæ, ubicumque habere debent. Et ita ne pro penuria justitiæ vestræ ipsa ecclesia vel monachi quicquam perdant, super X. libras forisfacturæ. Teste Rogero Bigot. Per Ared falconarium.

[ABBOT HUGH.][1]

[The king's writ granting a market, with right of forfeiture and pleas.]

HENRICUS, rex Angliæ, Radulpho Cantuariæ archiepiscopo et Willelmo de Hammesford vicecomiti, et omnibus baronibus et fidelibus suis de Kent, salutem. Concedo Deo et Sancto Augustino Cantuariæ, et Hugoni abbati et omnibus successoribus suis habere mercatum in insula de Thanet. Et homines illuc venientes et redeuntes omnes firmam pacem meam habeant, ne aliquis eos disturbet neque injuriam vel contumeliam faciat. Et ita habeat abbas in pace, et quiete, et honorifice mercatum ipsum cum omnibus consuetudinibus, et forisfactis, et placitis suis, sicut habet aliquam terram vel rem Sancti Augustini melius et quietius et honorificentius. Testibus Rogero episcopo Sarum, et Ranulpho cancellario, et Nigello de Albini, apud Westmonasterium.

[1] Hist. Mon. St. Aug. 365 (Rec. Com.).

[Monks of Gloucester.][1]

[The king's writ exempting the monks of Gloucester from toll, customs, and passage.]

Henricus, rex Angliæ, omnibus vicecomitibus et ministris totius Angliæ, salutem. Præcipio quod proprii homines monachorum de Gloucestria, et victus, et corredium, et res ubicunque emerint et vendiderint ad opus suum proprium, sint quieti ab omni theloneo, et consuetudine, et passagio. Et prohibeo ne aliquis eos disturbet super decem libras forisfacturæ. Teste Rann. cancellario apud Cirecestram.

[Monks of Gloucester.][2]

[A similar writ.]

Henricus, rex Angliæ, Waltero de Bellocampo, et ministris suis, Francis et Anglis, de Wyrecestresira, salutem. Præcipio quod omnes res monachorum Gloucestriæ, et coria, et tannum, et naves, et quicquid emerint vel duxerint, quæ eorum homines possunt affidare esse sua dominica, sint quieta ab omni theloneo, et omni consuetudine. Et defendo super decem libras forisfacturæ ne aliquis eos disturbet. Teste Waltero Gloucestriæ apud Gloucestriam.

[1] 2 Chron. Mon. Glouc. 132 (Rec. Com.). [2] Ib. 134.

[ABBOT OF WESTMINSTER v. CERTAIN MEN.][1]

[The king's writ of trespass (?) for breaking the church at Winchester.]

HENRICUS rex Angliæ, Ricardo episcopo de Lundonia salutem. Mando tibi ut facias plenum rectum abbati Westmonasterii, de hominibus qui fregerunt ecclesiam suam de Wintonia noctu et armis. Et nisi feceris, barones mei de Scaccario faciant fieri, ne audiam clamorem inde pro penuria recti. T. &c. [Names not given.]

Observe that the Exchequer is referred to as a court of trial. See also *ante*, p. 100.

[ABBOT OF WESTMINSTER.][2]

[The king's writ confirming grant of land.]

HENRICUS rex Anglorum, Willelmo constabulario de Cestria salutem. Præcipio quod abbas de Westmonasterio et monachi teneant terram suam de Peritona, quam pater tuus pro anima uxoris suæ ecclesiæ dedit in elemosinam, ita bene et honorifice, et libere et juste, et quiete de scutagio et omnibus secularibus consuetudinibus, sicut pater tuus primitus ipsi ecclesiæ dedit et concessit, et sicut ipsi postea melius tenuerunt et tempore Hugonis comitis de Cestria. Et super hoc nullus forisfaciat eis vel rebus suis quicquam. Et si super hoc quicquam de suo injuste captum est reddatur, ne audiam inde clamorem. Et nisi feceris, Ricardus Basset faciat fieri. Teste eodem Ricardo Basset apud Udestok.

[1] Madox, Hist. Exch. 141 (fol. ed.).

[2] Ib. 435.

[ABBOT OF GLOUCESTER v. WALTER, SON OF WISCEO.][1]

[The king's writ commanding that the plaintiff be put in seisin of lands of which he had been disseised by the defendant.]

HENRICUS, rex Anglorum, Waltero filio Wisceonis, salutem. Præcipio quod juste et plene resaisyas abbatem et monachos Gloucestriæ de terris et ecclesiis et decimis et omnibus rebus quas pater tuus eis dedit in elemosinam, unde ipsi sunt injuste et sine judicio dissaysiti; et bene, et in pace, et juste et honorifice teneant, sicut ipsi hoc dirationare poterint per suos legales testes quod pater tuus eas eis in elemosinam dedit; et nisi feceris, episcopus Sancti David faciat ne ipsi quicquam perdant pro penuria recti vel justitiæ, neque ego amplius inde clamorem audiam. Teste P. filio Johannis apud Oxoniam.

This writ is interesting as a prototype of the fixed form of the writ of novel disseisin, given by Glanvill. Lib. 13, c. 33. See also Abbot of Gloucester v. William, the Constable, *infra*, p. 130.

[SAME PARTIES.][2]

[The king's writ of execution (?) issued upon judgment against the defendant in the case *supra*.]

HENRICUS rex Anglorum Bernardo episcopo Sancti David, salutem. Mando tibi et præcipio quod præcipias Waltero filio Wisceonis ut plene et juste reddat ecclesiæ Santi Petri Gloucestriæ et abbati et monachis elemosinas suas de Dugledin et de alia terra Wisceonis quas ipsi juste habere debent, et quas pater Walteri eis dedit et concessit concessu antecessoris tui, ne super hoc tu aliquam injuriam amplius inde eis facias, nec fieri permittas. Teste cancellario apud Westmonasterium.

[1] 1 Chron. Mon. Glouc. 264 (Rec. Com.). [2] Ib.

[*Alias* writ of execution (?).][1]

Henricus, rex Anglorum, episcopo Sancti David, salutem. Præcipio quod monachi Gloucestriæ habeant saysinam suam de ecclesia sua de Dugledi et omnibus ejus pertinentiis ita bene et in pace sicut inde habent cartam prædecessoris tui de concessione tua, et sicut eam ante transfretationem meam præcepto meo et judicio sinodi tuæ dirationaverunt; et sicut hoc postea per ipsam synodum recognitum fuit quod ea ita dirationaverant. Et super hoc non placitent amplius. Teste Milone Gloucestriæ apud Argentum.

[The matter was settled by the following grant from Walter:—]

Sciant præsentes et futuri, totius Sanctæ Ecclesiæ filii, quatinus Walterius filius Wytsonis reddidit et concessit Deo et Sancto Petro abbati et conventui de Gloucestria ecclesiam castelli Wytsonis de Dugledin, et omnes ecclesias et capellas terræ suæ, decimas et beneficia, et terras et totam donationem plenarie quam pater suus Wytso prædictæ ecclesiæ donavit. Ista redditio et concessio fuit facta in præsentia episcopi Bernardi de Sancto David. Hiis testibus, etc. [Names not given.]

[Church of St. Peter of Gloucester *v.* Milo et al.][2]

[The king's writ forbidding the defendants to enter certain pasture land given to the church of St. Peter.]

Henricus, rex Angliæ, Miloni Gloucestriæ, et G. de Abithot, et Hugoni villano, et forestario de Malvernio, salutem. Præcipio non intromittatis vos de bosco de Wyvelrugge et de Corswelle, quod est Sancti Petri Gloucestriæ, quia illum dedi monachis Gloucestriæ in elemosinam, etc.[3]

[1] 1 Chron. Mon. Glouc. 265 (Rec. Com.). [2] Ib. 268. [3] Sic.

[Abbot of Gloucester *v.* William, the Constable.][1]

[The king's writ commanding the defendant to put the plaintiff in seisin of certain land, if the latter has unlawfully disseised the plaintiff.]

Henricus, rex Angliæ, Willelmo constabulario, salutem. Si sine judicio dissaysisti abbatem Gloucestriæ de Coleby quod pater tuus dederat monachis Gloucestriæ in elemosinam, tunc præcipio quod eum juste inde resaysias, et teneat ita bene sicut tenuit die qua pater tuus fuit vivus et mortuus, ita ne super hoc amplius ei injuriam facias, ne sine justo judicio dissaysias. Et siquis versus eum inde quid clamaverit, abbas non perdat in curiam suam injuste. Et nisi feceris justitia mea et vicecomes faciant. Teste, etc. [Names not given.]

Observe the approach of the above to the fixed writ of novel disseisin of Glanvill and later times. Glanv. Lib. 13, c. 33; *supra*, p. 128.

[Church of Abingdon *v.* William.][2]

[One William, by a writ of the king, obtains seisin of a mill claimed by the church at Abingdon; but afterwards on complaint of the church the mill is restored by the king.]

Post obitum vero abbatis Faritii conquestus est idem Willelmus regi, tunc in Normannia posito, de supradicto molendino,[3] quia videlicet vi potestatis prædicti abbatis, potius quam suæ propriæ voluntatis, ecclesia habeat. Quare regis mandato saisitus est inde. Sed postea, legatione monachorum per Walterum capellanum Willelmi de Bochelande, veritatem rex cognoscens, præcepit resaisiare ecclesiam.

[1] 1 Chron. Mon. Glouc. 242 (Rec. Com.).

[2] 2 Hist. Mon. Abingd. 123 (Rec. Com.).

[3] A mill at Langford, given by William to the church.

[ABBOT FARITIUS *v.* EGILWIN, SON OF GODRIC.][1]

[The plaintiff recovers judgment in his own court in respect of land of which the defendant had fraudulently disseised him.]

EGILWINUS filius Godrici de Celvesgrave celavit abbati Faritio quantum terræ habebat. Dicebat enim nonnisi XII. acras in campo se habere, sicut ei in conventione factum fuerat in capitulo monachorum. Sed ipse abbas, inquisitione certa de hoc facta, invenit aliter istud se habere, et multo amplius terræ illum cum prædictis XII. acris tenuisse; unde judicatum est pro hoc forisfacto, in curia ejusdem abbatis, ut prædictus vir singulis annis VI. sextarios mellis redderet, sicut antea duos reddiderat, et cætera servitia sicut antea fecerat monachorum usui persolveret.

[ERMENOLD *v.* ABBOT FARITIUS.][2]

[Abbot Faritius makes distraint upon Ermenold for non-payment of rent. The latter replevies his property, with pledges. The replevin suit coming on, the abbot obtains judgment by default, and the matter is compromised, the sureties being friends of the abbot. The case is tried in the house of Ermenold, before the archdeacon of Oxford and Richard of S. (the sureties) and many others.]

ERMENOLD burgensis de Oxeneford tenebat de abbate Faritio wicam quæ est juxta pontem Oxeneford pro XL. solidis ad gablum; et contigit ut gablum detineret anno uno. Quare abbas sequenti anno, messis tempore, quicquid pecuniæ desuper terram illam invenire poterat namari jussit, et terram prohiberi. At ipse Ermenoldus pro se Walterum, archidiaconum de Oxeneford, et

[1] 2 Hist. Mon. Abingd. 139 (Rec. Com.). [2] Ib. 140.

Ricardum de Stanlache abbati transmisit, et pecuniam suam eorumdem plegio recepit, die statuto placitandi et plegio quietandi. Dies postea statutus venit, nec placitor, nec plegius quietandus affuit. Unde abbas prædictos plegios ascitos movit de habita re quæstionem. Et quia in amore familiares ei erant, eorum internuntio mediante, inter se et ipsum Ermenoldum actum est ut iste vir misericordiam abbatis quæreret, et hoc de suis rebus abbati et ecclesiæ Abbendoniæ concederet, ut quicquid terræ habebat sua procuratione in burgo et de foris burgo, sive sibi propriæ sive in vadem positæ, nec tamen esset regis, baronis, aut episcopi, totum simul ecclesia haberet. Creditores[1] autem terræ, si possent ab abbate suam terram ex vadimonio quietare, reciperent eam; sin vero, abbati et monachis permanerent.[2] At vero abbas eidem viro concessit, ut si vellet monachus fieri, monachum in Abbendona eum faceret. Quod si mallet in villa Abbendoniæ laicus degere, hospitium ei procuraretur conveniens, et victus unius monachi et unius servientis sibi daretur. Hoc factum est in domo prædicta Ermenoldi, sua conjuge et filio suo Willelmo annuente, coram prædicto Waltero, et Ricardo de Stanlac, et multis aliis. Sed et postea in Portmannimot ostensum et concessum eodem modo et eadem conventione est.

[ABBOT VINCENT.][3]

[The abbot of Abingdon obtains restoration from the king of the hundred of Hormer, with right of market there, of both of which

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[1] Debitores? [2] permaneret?
[3] 2 Hist. Mon. Abingd. 163 (Rec. Com.).

he had been disseised by judgment of court; the case being decided by the king's justiciars and barons.]

In diebus hujus patris[1] quidam maligni abeuntes ad regem adulando suaserunt ei ut hundredum de Hornimere huic ecclesiæ abriperet, simul et mercatum hujus villæ interdiceret; affirmantes suis mendaciis quod nunquam abbas hujus loci in propria potestate illud habuerit, vel mercatum antiquitus in hac villa extiterit. Quorum adulationibus rex commotus, quibusdam justicioribus suis præcepit quæstionem inde movere. Qui priusquam rem sicut erat indagarent, totam abbatiam in forisfactum regis posuerunt. Quod cernens vir prudentissimus, tam sævæ tempestati se viriliter objiciens, regem adiit, privilegium regis Eaduuardi protulit, et ut cunctis legeretur rogavit. Quod cum, rege jubente, Rogerus Salesberiensis episcopus recitasset, cœpit rex ab indignatione animum revocare, lenius cum abbati loqui. At ille favore baronum circum assistentium fultus (diligebatur enim ab omnibus, eo quod esset munificus et largus), postulabat regem ut illud suo privilegio et ipse confirmaret et sigillo muniret; promittens ei trecentas marcas argenti se daturum, si deinceps, sic hactenus, liceret sibi quiete et sine querela in propria illud potestate habere. Cujus precibus rex annuens, jussit quæ petebatur sine dilatione fieri. Sed et de mercatu villæ jussit similiter voluntatem abbatis fieri, muniens ea quæ scribi præcepit suo sigillo.

[The following are the grants of confirmation :—]

Henricus, rex Anglorum, episcopo Salesberiæ et vicecomiti, et justiciariis, et omnibus baronibus et fidelibus suis, Francis et Anglis, de Berchescira, salutem. Sciatis me concessisse Deo et ecclesiæ Sanctæ Mariæ Abben-

[1] Abbot Vincent.

doniæ, et abbati Vincentio, et omnibus abbatibus successoribus suis, et monachis ibidem Deo servientibus, hundredum de Hornimera, jure perpetuo tenendum et habendum eis et omnibus successoribus suis, in legitima et liberrima potestate sua et justitia, sicut Eaduuardus rex Anglorum dedit et concessit prædictæ ecclesiæ, et per cartam suam confirmavit, quam coram me et baronibus meis lectam esse testificor; et sicut pater meus Willelmus rex dona Eadwardi regis per cartam suam concessit et corroboravit. Et volo et firmiter præcipio, ut abbas et monachi præsentes et futuri prædictum hundredum in pace, et quiete, et honorifice teneant, cum omnibus consuetudinibus et quietationibus suis, cum quibus melius et honorabilius tenuerunt tempore prædictorum regum; scilicet, quod nullus vicecomes vel eorum ministri inde se quicquam intromittant, sed ipsi libere justitiam suam habeant ac faciant. Testibus, Rogero episcopo Saresberiæ, Alexandro episcopo Lincolniæ, et Gaufrido cancellario, Roberto de Sigillo, et Nigello nepote episcopi, et Willelmo de Albineio, et Roberto de Oili, et Radulfo Basset, et Gaufrido de Clinton, et Willelmo de Ponte, et Milone de Cloecestria, et Albrico de Ver, et Willelmo de Albineio Britone, et Ricardo Basset; apud Lundoniam.

Henricus, rex Angliæ, episcopo Salesberiæ, et vicecomiti, et justiciariis, et omnibus baronibus et fidelibus suis de Berchescira, salutem. Sciatis me concessisse ecclesiæ Sanctæ Mariæ Abbendonæ, et abbati Vincentio, et monachis, mercatum Abbendonæ, sicut ecclesia prædicta, et abbates, et ipse Vincentius abbas, melius unquam et liberius habuerunt, et die qua abbatiam prædicto Vincentio dedi, et bene, et in pace, et honorifice, et quiete teneant. Testibus, Rogero episcopo Seresberiæ, et

Gaufrido cancellario, et Gaufrido de Clinton, et Willelmo de Ponte: apud Lundoniam.

[William (de Miners?) v. Abbot and Monks of Gloucester.][1]

[Record of judgment in favour of the defendants concerning a certain manor.]

Henricus, rex Angliæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, vicecomitibus, et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis quia monachi de Gloucestria et Gilbertus de Miners in curiam meam venerunt coram me ad terminum inter eos positum de placito manerii de Culna quod Willelmus versus eos et abbatem suum clamabat. Et Adam de Port et Willelmus filius Odonis coram me testificati fuerunt quod ipsi affuerunt ubi Rogerus de Gloucestria manerium illud ecclesiæ Sancti Petri Gloucestriæ et monachos ibidem Deo servientibus in elemosinam dederat, et ubi ego, requisitione ipsius Rogerii, donationem illam eis concessi. Et inde idem Gilbertus judicium recusavit.

[Abbot Vincent v. Simon, the Dispenser.][2]

[The abbot recovers a church, of which the defendant had been put in seisin by the king.]

Quo intervallo,[3] Simon regis Henrici dispensator . . . .

[1] Chron. Mon. Glouc. 236 (Rec. Com.).
[2] 2 Hist. Mon. Abingd. 166 (Rec. Com.).
[3] Between 1115 and 1119, the abbey being then without an abbot.

suggessit regi in Normannia ecclesiam et terram præfatam jure hereditario ad se pertinere. Quod cum facile ei persuasisset, quia defuit qui resisteret, rege jubente, Simon terram cum ecclesia saisiavit, et tamdiu tenuit quousque abbas Vincentius hujus loci pastor successit. Qui cum de re ista, sicut de injuste ablata, coram rege calumniam moveret, Simonque cogitasset quam injuste eam adeptus fuisset, talis tandem inter abbatem et ipsum Simonem finis evenit.

A quit-claim of all the property of the abbey by Simon follows.

[Abbot Peter *v.* Bishop Remelin.][1]

[The plaintiff recovers the body of a deceased person, carried away by force by the defendant; the trial being before the king, archbishop Anselm, the earl of Mellent, and bishops, abbots, and great men.]

Istius[2] tempore fuit grandis altercatio inter domnum abbatem Petrum, et Remelinum episcopum Herefordensem, in præsentia regis Henrici, et domni Anselmi archiepiscopi, et Roberti comitis de Mellent, et multorum episcoporum, abbatum, et procerum, in Pentecosten pro ablatione corporis Radulphi filii Askitilli, quod ille episcopus Remelinus per vim abstulerat; et fuit dirationatum ut corpus defoderetur, et redderetur, Roberto comite judicium dictante, ut in posterum haberent universi liberam potestatem se ubicunque vivi disposuerant, post mortem sepeliendi.

[1] 1 Chron. Mon. Glouc. 13 (Rec. Com.).

[2] Abbot Peter's.

[Bishop Ranulf.][1]

[The king's writ directing that the bishop be put in seisin of certain lands.]

Henricus rex Osberno vicecomiti, et omnibus ministris suis de Everwyschira salutem. Precipio vobis, ut resaisiatis Ranulphum episcopum Dunelmensem, de omnibus illis terris que pertinent ad episcopatum Dunelmensem, et nominatim de terra de Clivelanda, quam Copsius dedit Sancto Cuthberto. Teste Ursone de Abetot apud Hereford.

[Bishop Ranulf *v.* Robert de Muscams.][2]

[The queen's writ directing that the plaintiff have right concerning certain lands wrongfully held by the defendant.]

Matildis Anglie regina, Nigello de Albineio salutem. Precipio tibi, ut facias Ranulpho episcopo Dunelmensi habere planum rectum de Roberto de Muscams, de terris quas occupavit super Sanctum Cuthbertum, et super eam de Ros, et aliis terris quas ipse Robertus occupavit post concordiam, que facta fuit inter Willielmum episcopum et comitem Robertum Northumberlandie, sicut Ranulphus episcopus monstrare poterit.

[Godwin *v.* Robert.][3]

[The king's writ confirming judgment in favour of Godwin as to a certain church, tithes, and cemetery.]

Henricus rex Angliæ Roberto episcopo Cestrensi et

[1] 1 Monasticon, 241 (ed. 1846). [2] Ib. 242.

[3] 6 Monasticon (part 2), 1043 (ed. 1846).

Nicholao vicecomiti de Staffort et omnibus baronibus Francis et Anglis de Statfortsira salutem. Sciatis quod Godwinus monachus de Sancto Remigio de Remis ante me et barones meos apud Tamewrdam disrationavit ecclesiam de Lappeleya, et decimam et corpora mortuorum contra Robertum capellanum meum de Rotomago, sicut Sanctus Remigius melius tenuit et habuit in tempore regis Edwardi et patris et fratris mei Willielmi regis. Et volo quod ista et omnes alias suas res bene et in pace teneant ipse sanctus et monachi sui. Testibus Roberto episcopo Lincolniensi et R. episcopo Salesbirie et Willielmo episcopo Exoniæ et Goisfri Ridello et Aluredo de Lincolia, apud Tamewordam.

[Bishop Robert v. William Peverell.][1]

[The king's writ commanding that seisin be given the plaintiff of lands, tithes, customs, meadows, and woods at P.]

H. rex Anglorum, R. episcopo de Cestra, et Roberto de Ferrariis, et Ricardo filio Gotse, salutem. Præcipio vobis, ut resaisiatis Robertum episcopum, et ecclesias suas de Pecco, et de omnibus rebus in terris et decimis et consuetudinibus, et pratis et silvis, sicut ipse et ecclesiæ saisiti erant, ea die qua Willielmo Peverell dominium meum de Pecco dedi; quia sibi non dedi nihil de hiis, de quibus prædictæ ecclesiæ saisiti erant. Teste comite de Mellent, apud . . . .

[1] 6 Monasticon (part 3), 1272 (ed. 1846).

[BISHOP ROBERT *v.* MEN OF W.][1]

[The king's writ commanding all who hold lands within the wapentake of W. to come to the bishop's court, and there do right in respect of the lands which they hold of him, on pain of distraint.]

H. rex Angliæ, omnibus baronibus, et vavasoribus, et omnibus dominis, qui terras tenent intra Wellewapentac, salutem. Præcipio, quod omnes veniatis ad placitum et wapentachium episcopi Lincoliensis quod de me tenet, per summonitionem ministrorum suorum; et faciatis ei omnes rectitudines, et consuetudines in omnibus rebus, quas eis debetis, de terris vestris ad illud wapentachium; ita bene et plenarie, sicut unquam plenius fecistis Roberto episcopo, vel alicui antecessori suo, et quas juste facere debetis: et nisi feceritis ipse vos justiciet per pecuniam vestram donec faciatis, ne perdam pecuniam meam, quam episcopus mihi inde reddere debet. Teste episcopo Sarum, et G. cancellario, apud Fereham.

[BISHOP ROBERT *v.* LORD OF STOW.][2]

[The king's writ ordering an inquisition as to the boundary between his manor of T. and that of the defendant, and the laying off the same, confirming the return by oath if needed.]

H. rex Anglorum Ranulfo Meschino et Osberto vicecomiti, et Picoto filio Colsueni, et Wigoto de Lincolia, salutem. Ita et videte divisas inter manerium meum de Torchesi et manerium de Estou; et facite recognoscere per probos homines de comitatu et dividere prædictas divisas: et si bene eis non credideritis, sacramento confirment quod dixerint; quia volo ut episcopus bene et honorifice ibi habeat quod antecessores sui ibi habuerunt. Teste Wigoto Lincoliensi, apud Wincestre.

[1] 6 Monasticon (part 3), 1272 (ed. 1846). Ib. 1273.

PROCEEDINGS OF THE EXCHEQUER.

[Waleran, Son of William. 31 Hen. I.][1]

Et idem Waleranus filius-Willelmi reddit compotum de V. s. et IX. d., de pecunia cujusdam victi hominis.

[William of St. Edward. 31 Hen. I.][2]

Willelmus de Sancto Eduardo et Jordanus filius suus debent X. marcas argenti, pro recto de terra Rogeri avunculi Jordani; et si poterint dirrationare, dabunt XX. marcas argenti.

[Tierricus, Son of Roger. 31 Hen. I.][3]

Tierricus filius Rogeri Filioli debet X. marcas argenti, ut habeat rectum de hæreditate sua; et Adeliz de Dunestanvilla est inde plegia.

[Roger, Son of Geoffrey. 31 Hen. I.][4]

Rogerus filius Gaufridi debet X. marcas argenti, ut habeat rectum de achatis patris sui.

[1] Madox, Hist. Exch. 237 (fol. ed.). [2] Ib. 293.
[3] Ib. [4] Ib.

[ROBERT, SON OF GERARD. 31 HEN. I.][1]

Robertus filius Gerardi reddit compotum de II. unciis auri, ut posset dirrationare terram suam per corpus suum; in thesauro XXX. s. pro II. unciis auri, et quietus est.

[RADULFUS BARNAGE. 31 HEN. I.][2]

Radulfus Barnage reddit compotum de X. marcis argenti, ne placitet de terra sua in vita sua; in thesauro XL. s., et debet VII. marcas argenti.

[ROBERT GIFFARD. 31 HEN. I.][3]

Robertus Giffardus reddit compotum de I. dextrario, ne placitet de terra quam Ricardus de Holeweia clamat versus eum.

[WILLIAM LE LUTRE. 31 HEN. I.][4]

Willelmus le Lutre, et Gaufridus Bucherellus, et Radulfus filius Herlewini reddunt compotum de VI. marcis auri, ut exeant de vicecomitatu Londoniæ; in thesauro III. marcas auri, et debent III. marcas auri.

[1] Madox, Hist. Exch. 294 (fol. ed.).
[2] Ib. 309.
[3] Ib.
[4] Ib. 316.

[JUDGES AND JURORS OF YORK. 31 HEN. I.][1]

Placita W. Espec et Eustachii filii Johannis: Judices et juratores Eboraciscirae debent C. l., ut non amplius sint judices nec juratores.

[MATTHEW DE VERNUN. 31 HEN. I.][2]

Mathæus de Vernun debet C. modios vini, pro concordia duelli fratris sui.

[1] Madox, Hist. Exch 316 (fol. ed.).

[2] Ib. 325.

STEPHEN.

[LIBERTIES OF ABINGDON. 1135 ?][1]

[The king's writ confirming the liberties of Abingdon, and exempting the church from being impleaded, except before himself.]

STEPHANUS, rex Angliæ, justiciis, vicecomitibus, baronibus, ministris, et omnibus fidelibus suis, Francis et Anglis, de Oxenefordscira et de Berchescira, salutem. Præcipio quod abbas et monachi Abbendoniæ teneant et habeant omnes terras, et homines suos, et omnes res suas, ita bene et in pace, et honorifice, et libere, et quiete, sicut tenuerunt die qua rex Henricus fuit vivus et mortuus, et die qua primum coronatus fui, ne super hoc ponatur inde in placitum donec veniam in provinciam; quia nolo quod placitent nisi coram me. Teste Ricardo de Luci; apud Lundoniam.

[ARCHBISHOP OF CANTERBURY *v.* ABBOT OF BATTEL ABBEY. 1139.][2]

[A wreck from lands of the plaintiff having gone ashore upon lands of the defendant, the latter's men take possession of it, under

[1] 2 Hist. Mon. Abingd. 181 (Rec. Com.).
[2] Chron. Mon. de Bello, 65 (Ang. Chris. Soc.).

the ancient law of wreck.[1] This law had been modified by the late king, so as to give the wreck to any one of the vessel who escaped the disaster. With the death of king Henry, the old law was deemed to have revived. The plaintiff, however, acting under Henry's law, complains in the king's court, before the king, that the defendant's men took possession of the wreck by force; that is, it seems, that they had taken it by force from the possession of some one from the vessel who had survived the shipwreck. The defendant relies on the old law of wreck, contending that king Henry's modification was not binding after his death without the consent of the barons. The defendant, however, offers to waive his claim, if the barons present will consent to adopt again the law of the late king. This they refuse to do. Court is now dissolved, another day being appointed for the trial. The defendant appears at the time, and (the plaintiff not appearing) takes judgment by default. The plaintiff has the default set aside, and summons the defendant again. The parties appear, and the defendant obtains judgment.]

Sub iisdem itaque diebus tempestate prævalente, contigit navem quandam, variis sumptibus refertam, de Rumenel, terra archiepiscopi Cantuariæ, supra terram ecclesiæ de Bello in Dengemareis, membro de Wi, confractam, hominibus vix evadentibus, jactari. Sciendum autem est hoc pro lege ab antiquitate per maris littora observatum, ut, navi fluctibus contrita, si evadentes infra statutum terminum et tempus eam minime reparassent, navis et quæcumque appulsa forent absque calumpnia in dominium terræ illius, et in werec cederent. Sed supramemoratus rex Henricus hanc abhorrens consuetudinem, tempore suo, per imperii sui spatia, edictum proposuit, quatinus si vel unus e navi confracta vivus evasisset, hæc omnia obtineret. Verum quo novus rex cedit, et nova lex. Nam defuncto eo, regni primores, edicto recenti pessundato, morem antiquitus observatum sibimet usurparunt. Unde factum est, ut homines de Dengemareis secundum maritimas

[1] See Abbot Gausfrid v. The King's Collectors, *ante*, p. 86.

consuetudines, et regales dignitates ecclesiæ Belli, prædictum werec vi obtinerent. Quo agnito, archiepiscopus curiam adiens, coram rege, de abbate de Bello, quod in hac re vi et hostilitate usus fuisset, querimoniam fecit. Nec mora, rex abbatem mandans coram se venire fecit. Quibus a conventu nobilium apud regiam ventilatis curiam, cum studio et arte Willelmi de Ypra, qui Cantiæ comitatum tunc possidebat, rex quoque archiepiscopo favens, abbatem ut pacis transgressorem argueret, quod scilicet contra regis Henrici sancita fecisset, post plurimam utrinque controversiam, tandem sic curia sedatur. Nam abbas, ratione usus præmeditata, regem Henricum pro libitu antiqua patriæ jura mutare in diebus suis posse testificatus est, sed non nisi communi baronum regni consensu in posterum rata fore. Unde si id, unde calumniabatur, suæ dignitatis compatriotæ, barones scilicet qui aderant cum regalis curiæ assensu concessissent, et ipse libens cederet. Cumque præsentes regni primores hæc uno ore contradicerent, in communi tandem decretum est, ut eadem soluta curia, abbas regia dignitate hinc suam nactus curiam, apud Dengemareis die denominato hominibus archiepiscopi advenientibus, omnem rectitudinem teneret. Sed in hoc conventu verbum memoriale quo magis regius emollitus est animus providum dixisse abbatem contigit. Nam cum argueretur, ad regem conversus intulit: "Nunquam," inquiens, "te diutius, O rex, coronam Angliæ ferre Deo sit placitum, si tantillam ecclesiæ nostræ libertatem, a rege Willelmo et ab aliis antecessoribus tuis regibus datam et observatam destruxeris." Verum abbate diem constitutum observante, ante diem sequentem ex parte archiepiscopi nullus advenit. Unde transgressionis judicio obmutescentes, cum

frustrati discessissent, iterum ad regias aures hujus rei querimonia ab archiepiscopo delata est. Abbas iterum mandatus advenit, causisque expositis a communi concessu adjudicatum est, abbatem suam causam dirationasse, nec ab archiepiscopo hinc aliquam calumpniam ulterius pati debere.

[ABBOT OF ST. AUGUSTINE *v.* ARCHDEACON OF CANTERBURY. 1141.][1]

[The king's writ of right concerning the church at Newington.]

STEPHANUS, rex Anglorum, archidiacono Cantuariæ, salutem. Præcipio tibi quod sine dilatione et escampa teneas plenum rectum abbati Sancti Augustini et monachis de ecclesia de Newyntone; ne super hoc inde clamorem audiam. Teste Roberto filio Walteri, apud Westmonasterium.

[MONKS OF ST. AUGUSTINE. 1141.][2]

[The king's writ directing that the monks of St. Augustine be permitted to rebuild a mill.]

STEPHANUS, rex Anglorum, Willelmo de Ipra et ministris et burgensibus Cantuariæ, salutem. Præcipio quod monachi Sancti Augustini restituant molendinum suum

[1] Hist. Mon. St. Aug. 381 (Rec. Com.). [2] Ib.

infra Cantuariam in eodem situ, quo erat quando destructum fuit, ne super hoc aliquis eos inde disturbet. Teste Warnero de Lusore, apud Cantuariam.

[ESTATE OF RANULF PEVERELL. 1142.][1]

[Record of judgment obtained by the church of St. Paul of London (?) upon inquisition as to certain land of R. P. before the bishop of London, the barons and "legal men" of the church, religious and lay.]

R. Dei gratia Lundoniensis episcopus, dilectis in Christo filiis decano et archidiaconis et toti capitulo Sancti Pauli, et omnibus baronibus Sancti Pauli, et omnibus fidelibus et filiis Sanctæ Ecclesiæ per episcopatum Londoniensem constitutis, salutem. Sciant omnes tam præsentes quam futuri, quoniam in audientia et præsentia nostra per barones nostros et per legales homines ecclesiæ nostræ clericos et laicos, evidenter et sine omni ambiguitate inquisitum et recognitum est, quoniam Rannulfus Peurellus, cujus corpus in nostra requiescit ecclesia, dedit Deo et Sancto Paulo, pro salute animæ suæ, in perpetuam elemosynam terram quæ vocatur Edburghetona, ad usum luminaris ecclesiæ—terram præfatam Deo et Sancto Paulo et decano et capitulo, ad eundem usum luminaris ad quod data est, tanquam suam propriam gratanter concedimus. Datum Lundoniæ anno incarnacionis Dominicæ MCXLII., episcopatus nostri primo; præsentibus, fratribus et filiis nostris Radulfo decano, et Ricardo Ruffo, et Ricardo Balmeis, et Ailwordo archidiaconis, Rogero Bruno dapifero, Willelmo de Hoccend., et Willelmo filio ejus, et Osberto Masculo, et Laurentio Buccuinte, in solempnitate Paschali.

[1] Madox, Hist. Exch. 134 (fol. ed.).

[CHURCH OF ST. AUGUSTINE OF CANTERBURY. 1143.][1]

[The king's writ directing that the church of St. Augustine have peaceable possession of certain land devised by G. in the presence of legal witnesses.]

STEPHANUS, rex Anglorum, vicecomitibus et justiciariis de Kent, salutem. Præcipio quod faciatis habere ecclesiæ Sancti Augustini et monachis hagam suam, quam Gosceoldus eis dedit, ita bene, et in pace, et juste, et quiete, et libere sicut eam eis dedit in morte sua coram legalibus testibus. Et videte ne inde clamorem audiam pro recti vel justitiæ penuria; quia nolo quod ecclesia illa quicquid perdat de jure suo. Teste Rogero cancellario, apud Cantuariam.

[ABBOT OF ABINGDON v. JORDAN DE PODIIS. 1143?][2]

[The king's writ directing that the plaintiff be permitted to hold in peace his hundred and tenures.]

STEPHANUS, rex Angliæ, Jordano de Podiis, salutem. Præcipio tibi, quod permittatis abbatem de Abbendonia tenere hundredum suum, et omnes tenuras suas, bene et in pace, sicut melius tenuit tempore regis Henrici, et sicut cartæ regum testantur, quas inde habet, et cum omnibus libertatibus suis. Teste A. clerico; apud Sanctum Albanum.

[1] Hist. Mon. St. Aug. 382 (Rec. Com.).
[2] 2 Hist. Mon. Abingd. 182 (Rec. Com.).

[ABBEY OF ABINGDON. 1144?][1]

[The king's grant and writ directing that the plaintiff hold certain land in peace.]

STEPHANUS, rex Angliæ, Willelmo Martel, et omnibus fidelibus suis, Francis et Anglis, salutem. Sciatis quia reddidi et concessi Deo, et abbatiæ et monachis de Abbendonia, terram suam de Wisselega et de Winkefeld; et terra illa, et omnes aliæ terræ suæ, et omnes res suæ, sunt in mea tutela et protectione. Quare volo et præcipio quod sint bene, et in pace, ita ne quisquam eis forisfaciat, nec quicquam inde capiat. Quia volo quod omnes res suæ sint ita bene custoditæ sicut meæ dominicæ, in omnibus rebus. Teste Adam de Belnio; apud Oxeneford.

[ABBOT OF ABINGDON. 1144?][2]

[The king's writ directing that the church of St. Mary be exempt from toll, passage, and customs.]

STEPHANUS, rex Angliæ, justiciis, et vicecomitibus, et baronibus, et omnibus ministris, et fidelibus suis Angliæ et portuum maris, salutem. Præcipio quod totum corredium, et omnes res abbatis et monachorum Sanctæ Mariæ de Abbendonia, quas homines sui affidaverint suas esse proprias, sint quietæ de theloneo, et pasnagio, et omni consuetudine, ne super hæc injuste disturbentur, super X. libras forisfacturæ. Testibus Willelmo de Ipra et Ricardo de Luci.

[1] 2 Hist. Mon. Abingd. 182 (Rec. Com.). [2] Ib.

[Abbot Gilbert v. Earl Gilbert and Pagan, a Clerk. 1145.][1]

[Deposition of Bernard that he saw and heard R. G. give two churches to the abbot of Gloucester, and that king Henry confirmed the gift.]

Venerabili domino Alexandro, Lincolniensis ecclesiæ episcopo, cæterisque dilectis in Christo fratribus ecclesiarum totius Angliæ, tam prælatis quam subditis, Bernardus, ecclesiæ Sancti Davidis minister humilis, salutem in Domino. Caritati vestræ notum facimus, et quia ad præsens verbo non possumus, scripto testamur, nos præsentes affuisse, hoc etiam vidisse et audisse, quod Robertus Gernun dedit Sancto Petro, et Petro abbati de Gloucestria, et monachis ejus, ecclesiam de Wirecesburia, et ecclesiam de Laverkestoke, et omnia quæ ad easdem ecclesias pertinent, et dimidium molendinum, et medietatem terræ quæ ad illud pertinet. Hoc quidem vidimus et testamur. Scimus etiam quod rex Henricus donationem illam concessit, et carta sua confirmavit. Vidimus etiam quod domina mea Matilda regina ipsum Robertum Gernun usque ad altare Sancti Petri Gloucestriæ conduxit, ubi ipse, astante regina, pluribusque aliis, per cultellum super altare donationem illam confirmavit.

[Record of adjudication in a public synod.]

Quoniam ea, quæ ad utilitatem ecclesiæ spectant, diligenter providere et efficaciter implere, credita nobis dispensatione, debemus, ideo ego David, Buginghamiæ Dei gratia archidiaconus, tam præsenti ætati quam futuræ posteritati quod de causa abbatis et monachorum Gloucestriæ in præsentia nostra actum est de ecclesiis de Wirecesbiria et Langeleya præsenti scripto notificare

[1] 2 Chron. Mon. Glouc. 166 (Rec. Com.).

curavi. Causa igitur hac in publica synodo in medium deducta, prædictas illas duas ecclesias ecclesiæ Gloucestriæ donatas fuisse rationabiliter tam cartarum confirmatione quam præsentis synodi attestatione cognovimus, unde ipsam per cujusdam violentam intrusionem injuste spoliatam audientes, cum intrusum illum sæpius ad justitiam vocavissemus, nec ille nec aliquis pro eo se justitiæ præsentaverit, investituram earundem ecclesiarum abbati et ecclesiæ Gloucestriæ adjudicavimus, et per claves ipsarum ecclesiarum eum in possessionem earundem totius synodi nostræ adjudicatione induximus.

[Confirmation by Theobald.]

Theobaldus, Dei gratia Cantuariensis archiepiscopus, Anglorum primas, et Apostolicæ Sedis legatus, dilectis sibi in Domino omnibus Sanctæ Matris Ecclesiæ filiis, salutem in Domino et benedictionem. Incolumitati ecclesiarum, et paci providentes, ea quæ ecclesiis ipsis bonorum principum largitione vel rationabili quorumcunque executione adquiruntur pia ipsis benignitate, concedimus, et auctoritate nostra confirmamus. Audientes itaque ecclesiam de Wirecesburia, et ecclesiam de Langeleia, ecclesiæ Beati Petri Gloucestriæ jam diu donatas rationabiliter, et hoc plenius ex carta regia et cartis venerabilium episcoporum Roberti, scilicet episcopi quondam Lincolniensis, et Alexandri, successoris ejusdem, et reverendi fratris nostri Bernardi, episcopi Sancti David, cognoscentes, deinde cum quidam se in easdem ecclesias intruserit, easdem ecclesias et in publica synodo ecclesiæ Beati Petri adjudicatas, ex carta Davidis archidiaconi Bukinghamiæ et synodi illius attestatione cognoscentes, et plenius rescientes, ipsi ecclesiæ Beati Petri Gloucestriæ in earundem ecclesiarum possessione

plenum nostræ auctoritatis robur concedimus, et præfatas ecclesias ipsi ecclesiæ Gloucestriæ præsenti scripto in perpetuum confirmamus.

[Another and more valuable record of this litigation, written by the plaintiff, abbot Gilbert, after he had become bishop of Lincoln, is also given in the same connexion. It is as follows :—]

Dilectis sibi in Domino universis Sanctæ Ecclesiæ filiis, frater Gilbertus, Londoniensis ecclesiæ minister, salutem quæ nunc est, et quam speramus a Domino. Elabuntur tempora, et in oblivionem multa pertrahunt, quæ nisi scriptis excipiantur, ad memoriam non facile reducuntur. Inde est quod universitati vestræ præsenti notifico, me, dum curam Gloucestrensis ecclesiæ, permittente Domino, administrarem, in inquirendis et requirendis ejus possessionibus ex officii suscepti debito debitam sollicitudinem adhibuisse, et tam ex cartarum quarundam inspectione quam totius etiam conventus Gloucestriæ aliarumque personarum quamplurimum attestatione, manifeste cognovisse Robertum Gernun, dum villam de Wirecesburia et villam de Laverkestoke pleno jure et integro dominio possideret, priusquam honor ille, qui dudum fuit Roberti Gernun, ad Willelmum de Muntfichet patrem Gilberti de Muntfichet devolutus esset, ecclesias jam dictarum villarum Wirecesbiriæ scilicet, et Laverkestoke, ecclesiæ beatri[1] Petri de Gloucestria concessisse, et regem Henricum primum hanc ejus donationem, sub multa nobilium regni sui attestatione, carta sua et sigillo corroborasse. Attendens itaque et multorum attestatione cognoscens ecclesiam Gloucestriæ, cui tunc præeram, memoratas ecclesias a tempore regis Henrici usque ad tempus regis Stephani, quo pax regni turbata est, possedisse, dominum etiam Lincolniensem ad abbatis et conventus Gloucestriæ præsentationem

[1] beati

vicarios in eis instituisse, ipsos etiam ab hiis ad arbitrium suum pensiones annuas suscepisse, cum occasione cladis bellicæ commissæ mihi ecclesiæ possessio in ecclesiis jam dictis turbata fuisset per Gilbertum comitem jam dicti Gilberti avunculum qui tunc ejus præerat patrimonio illi, tutelem exhibens, qui ecclesias jam dictas auctoritate sua in quendam Londoniensem clericum Paganum nomine contulerat ad dominum Lincolniensem, adversus jam dictum comitem et memoratum Paganum querelam detuli, commissæ mihi ecclesiæ justitiam postulans exhiberi. Cujus auctoritate, apud Eilesburiam, per Davidem archidiaconum de Bukingham synodo publice convocata, statuto mihi die instructus affui, quæ supra sunt memorata proposui, bonæ memoriæ Bernardi, dudum Menevensis episcopi, multarumque ipsius synodi personarum munitus testimonio, memoratas ecclesias synodali judicio reportavi. In quas cum Gloucestrensis ecclesiæ nomine agens episcopali auctoritate inductus fuerim, ipsa easdem in eo recuperavit obsequio et episcopali auctoritate per me et successorem meum usque in præsens tempus obtinuit. Cui in jam dictis ecclesiis cum totum collatum, et quod potestas laica et quod episcopalis dignitas conferre potest, justum videri potest ecclesias jam dictas sibi in pace dimitti, et possessionem ejus querelis juvenis longe post nati non debere convelli. Valeatis.

[The following are the original grant and confirmation above referred to:—][1]

Sciant præsentes et futuri, quod ego Robertus Gernon, pro salute animæ meæ et omnium antecessorum meorum, dedi et concessi Deo, et Sancto Petro, et monachis Gloucestriæ, ecclesiam de Wirecesbury et de Laverkestoke, et

[1] 2 Chron. Mon. Glouc. 164 (Rec. Com.).

omnia quæ ad easdem ecclesias pertinent, et dimidium molendinum, et medietatem terræ quæ ad illud pertinet, liberas et quietas ab omni exactione et consuetudine et servitio quod ad me pertinet et ad hæredes meos, in perpetuam elemosinam. Testibus, etc.[1]

Henricus, rex Angliæ, Roberto episcopo Lincolniensi,[2] et Hugoni de Bochinghamia, et omnibus baronibus, Francis et Anglis, de Middelsexa, salutem. Sciatis me concessisse Sancto Petro de Gloucestria, et Petro abbati et monachis suis de Gloucestria, ecclesiam de Wirecesbury, et ecclesiam de Laverkestou, quas Robertus Gernun eis dedit, et omnia quæ ad easdem ecclesias pertinent, et dimidium molendinum, et medietatem terræ quæ ad illud pertinet. Et volo et præcipio ut bene et honorifice teneant. Teste Matilda regina.

[Later, in the reign of Henry II., Gilbert of Montefichet appears to have asserted his claim anew, the following writ being issued:—][3]

Henricus, rex Angliæ, dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Gilberto de Montefichet, salutem. Præcipio tibi quod permittas monachos Gloucestriæ tenere in pace, et libere, et honorifice, et juste, decimas et beneficia ecclesiarum suarum de Wirecesbury, et de Langeleia. Et nisi feceris, justiciarius meus faciat fieri. Teste cancellario.

[This was obeyed, and the following grant made:—][4]

Comes Gilbertus, omnibus baronibus et hominibus de honore Willelmi de Mundfichet, Francis et Anglis, salutem. Sciatis me reddidisse monachis Gloucestriæ, tanquam suum rectum, ecclesiam de Wirecesbury, et

[1] Sic.
[2] Died 1123. He had been chancellor under William II., and justiciar under the present Henry I.
[3] 2 Chron. Mon. Glouc. 165 (Rec. Com.). [4] Ib.

ecclesiam de Langeleia, cum hominibus, et terris, et decimis, et cum omnibus ad ecclesias istas pertinentibus. Has igitur ecclesias volo et præcipio ut bene, et honorifice, et libere, et quiete teneant, ita quod nullus eis injuriam neque contumeliam faciat. Teste Stephano de Cameis, etc.[1]

A confirmation by the king is also given, in the same language, substantially, as that by Henry I., *supra*.

[Monks of Basselech and Picot, Chaplain of St. Gundley. 1146.][2]

[Record of a judgment concerning a certain chapel, its tithes, and cemetery; trial before the bishop of Llandaff.]

M.,[3] Dei gratia Landavensis episcopus, omnibus parochianis suis et amicis clericis et laicis in Christo, salutem et benedictionem. Notum vobis facio controversiam et dissensionem, quæ inter monachos de Basselech et Picotum capellanum Sancti Gundlei de terminis parochiarum suarum habebatur, in mei præsentia terminatam et diffinitam fuisse; hac videlicet consideratione quod capella Sanctæ Gladewis quam Landomerus super fluvium Eboth ædificavit, et omnes decimæ ab eodem fluvio usque ad fluvium Uschæ, et a terminis terræ Willelmi de Bercherola usque ad mare, et corpora omnia defunctorum ecclesiæ Sancti Gundlei libera et quieta remanent. Et illa decima quam Landomerus ex alia parte Eboth de terra sua ecclesiæ Sancti Gundlei dederat, ecclesiæ Sancti Basilii remanet. Testibus Abraham capellano episcopi,

[1] Sic.

[2] 2 Chron. Mon. Glouc. 55 (Rec. Com.).

[3] Uhtrid was bishop of Llandaff in 1146.

Urbano sacerdote, Galfrido sacerdote nepote episcopi, et magistri Johanne, etc., apud Basselech. Et teste tota synodo apud Landaviam anno ab Incarnatione Domini millesimo centesimo quadragesimo sexto.

[LIBERTIES OF ABINGDON. 1146.][1]

[The king's writ exempting the abbot of Abingdon from being impleaded, except before himself, the king.]

STEPHANUS, rex Angliæ, justiciis et vicecomitibus, et baronibus, et ministris, et omnibus fidelibus suis, Francis et Anglis, de Oxeneford et de Berchesira, salutem. Sciatis quia warrantizo abbati Abbendoniæ ne ipse vel homines sui placitent de aliquo placito quod pertineat ad coronam meam, nisi coram me, et quando ero apud Oxenefordam. Teste Willielmo de Ipra; apud Londoniam.

[ABBOT WALTER *v.* BISHOP OF CHICHESTER. ECCLESIASTICAL. 1148.][2]

[The bishop of Chichester persists in attempting to subject the abbot of Battel to his authority, and lays him under an interdict unless he will attend a synod at Chichester. The abbot complains of this before the King's Court; whereupon the king forbids the bishop to disturb the abbot, and fixes a day for hearing the matter, with his bishops and barons. The parties attend, but many other litigations coming on before this one, it happens that the

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[1] 2 Hist. Mon. Abingd. 181 (Rec. Com.).

[2] Chron. Mon. de Bello, 70 (Ang. Chris. Soc.).

bishop of C. is not present when it is reached. The abbot presents his case, and obtains judgment of freedom from the jurisdiction of the bishop.]

Quodam igitur prædicti Stephani piissimi principis tempore, synodum apud Cicestriam adire abbas summonitus, nec veniens, interdictus est ab episcopo, eo tamen tenore, quod si infra XL. dierum spatium satisfacturus non veniret, ab officio suo suspensus cessaret. Quod abbas audiens curiam apud Sanctum Albanum adiit præpropere, atque hæc regiæ intulit aulæ. Rex itaque, accersito quodam clericorum suorum Rotberto de Cornuvilla nomine, misit ad episcopum, mandans et præcipiens quatinus ecclesiam Sancti Martini de Bello sicut dominicam regis capellam, et regiam coronam, ab omni exactione et oppressione liberam et quietam Christo Domino pacifice sineret deservire. Terminum etiam ei præfixit, quatinus die octavarum Sancti Andreæ, ipse et abbas Lundoniam venirent, ut ibi dissensioni eorumdem coram se, episcopis, et baronibus suis præsentibus finem imponeret. Die constituta uterque affuit. Multis igitur causis ibidem discussis, abbas regi præsentiam suam exhibuit, paratus, si quis eidem quicquam obicere vellet, justa rationis æquitate pro libertate ecclesiæ suæ resistere. Episcopus vero nonnullis ibidem detentus negotiis, coram rege die eadem venire distulit. Lectis igitur coram rege cartis et munitionibus de hac eadem re, a rege Willelmo magno subscriptis, rex altiori usus consilio præcepit ecclesiam Sancti Martini de Bello ab omni subjectione et exactione Cicestrensis episcopi, secundum regis Willelmi et aliorum regum prædecessorum suorum cartas, liberam omnino existere.

In the first year of the following reign (A.D. 1155) the bishop of Chichester renews his attempt to subject the abbot of Battel to

himself, and a great litigation follows. The king confirms the liberties of Battel, among many other confirmations. These liberties made St. Martin independent of the archbishop of Canterbury. The bishop of Chichester informs the latter of the facts; whereupon the archbishop seeks to have the charters annulled, and is at first partly successful. The abbot, hearing of this, protests before the king, and prevails upon him to order his seal to be attached to the charter of confirmation, which, it seems, had not yet been done. The bishop of Chichester appears at this moment and protests, but the king orders the seal to be attached. He then orders the parties to meet at Lambeth to hear the charter read, and to suggest any amendments. The chancellor (Thomas à Becket) attends, bringing the charter, but the meeting ends in confusion, and the chancellor returns to the king with the charter. The king finally delivers the charter to the abbot. The bishop of Chichester now transfers his case to the pope, summons the abbot on papal authority to Chichester, and (the abbot appearing) reads letters from the pope to the abbot, commanding him to be subject to the bishop. The court again breaks up in confusion, without result, and the abbot now procures the king to summon the bishop by writ, and thereby command him to desist from his purpose till the king's return to England from a visit to Normandy, where he then was. On his return, the king summons the parties, but the cause is not finally taken up until in 1157. The king then calls to himself his chancellor (à Becket) and others to hear the cause. The abbot's brother, Richard de Lucy, appears for St. Martin, and opens the case, and has the charters read by the chancellor. The king inspects them closely. The chancellor takes an active part, calling upon the abbot to answer certain arguments previously made by the bishop of Chichester. Richard de Lucy replies, after answer both by the abbot and by the king. Court adjourns, and is afterwards resumed, attended by an increased number of judges. De Lucy makes another speech, and alludes to the company as "all this assembly of Normans." The abbot then speaks. The bishop replies, denying the right of the king to confer or take away ecclesiastical liberties; at which the king becomes very angry. The chancellor cautions the bishop, who then apologizes, and proceeds, though not without interruptions by the court. The king then speaks. The abbot follows, and produces the Conqueror's charter, which the king says he must defend as his own royal prerogative. Judgment is delivered by the chancellor in favour of the abbot. The archbishop wishes to retire with the ecclesiastics to determine certain matters arising at the close of the trial, according to ecclesiastical custom. But the king refuses, saying "I shall decide." The bishop disclaims authority over the abbot; the archbishop intercedes for the latter; the parties are all reconciled; and the court is dissolved. The judges present, besides the king, were Theobald, archbishop of Canterbury; Roger, archbishop of York; Robert, bishop of Lincoln; Silvester,

abbot of St. Augustine; Robert, earl of Leicester; Henry of Essex, the king's tribune; Richard, bishop of London; Robert, bishop of Exeter; Gausfrid, abbot of Holme; Thomas, the king's chancellor; Patrick, earl of Salisbury; Richard de Lucy, Reginald de Warenne, and Warin Fitzgerald.

[Men of Canterbury. 1148.][1]

[The king's writ prohibiting interference with the men of Canterbury in going to or coming from mill.]

Stephanus, rex Anglorum, vicecomitibus et præpositis et burgensibus et omnibus fidelibus suis Cantuariæ, salutem. Prohibeo ne aliquis prohibeat quin homines civitatis Cantuariæ et provinciæ eant et veniant ad molendinum, quod concessi et dedi Deo et ecclesiæ Sancti Augustini infra civitatem Cantuariæ, cum blado suo ad molandum, ita bene et plenarie sicut melius et plenius solebant facere tempore regis Henrici avunculi mei, et meo tempore postea, dum molendinum prædictum in mea manu fuit. Teste Roberto de Ver, apud Cantuariam.

CASES OF LESS CERTAIN DATE OF THIS REIGN.

[Canons of St. Martin v. The King and Walter Long.][2]

[Writ of the earl of Essex commanding A. de G. to restore to the plaintiff property of his which the king's men had carried off;

[1] Hist. Mon. St. Aug. 383 (Rec. Com.).
[2] Madox, Hist. Exch. 74 (fol. ed.).

also to cause an inquisition as to certain lands of which the plaintiffs allege the defendant W. has disseised them.]

GEOFFREY comes de Essexa, Aelardo de Guerris salutem. Præcipio tibi quod omni occasione et dilatione remota, et sicut corpus meum et animam diligis, reddas canonicis Sancti Martini de Lundonia totum bladum suum de Godicestra, et omnes res suas quas homines mei inde ceperunt, et omnia sua quæ in terra mea invenire poterint; et omnes homines sui et res suæ meam firmam pacem amodo habeant; quia pro infirmitate mea, et pro redemptione animæ meæ, canonicis illis et omnibus ecclesiis Dei satisfacere promisi. Et fac recognosci per vicinium et probos homines illius provinciæ, si V. acræ terræ quas Walterus Longus tenet et illos inde disaisivit, quas illi canonici calumniant, sint de eorum tenuera; et si recognitum fuerit, fac inde eos saisiri, et bene et in pace teneant.

Madox speaks of this writ as having been granted "in or about the reign of king Henry I. or Stephen." If this was the second Geoffrey earl of Essex, as appears to be the case, the writ was of the reign of Stephen; for that king raised him to the position. 1 Foss, Judges, 274. He was killed in battle in 1144. Ib.

[BISHOP ASCELIN AND THE MONKS OF ST. ANDREW. BEFORE 1147.][1]

[Record of judgment in favour of the monks of St. Andrew as to certain manors; trial before the archbishop of Canterbury, bishops, abbots, and other religious men.]

IMARUS, Dei gracia Tusculanus episcopus, apostolicæ sedis

[1] Hearne's Textus Roffensis, 204.

legatus, omnibus matris ecclesiæ filiis, ad quos litteræ istæ pervenerint, salutem. Rei gestæ memoria litteris provide committitur, ne lites semel sopitæ in futuro iterum instaurentur. Proinde universitati vestræ per præsentia scripta notum esse volumus, quod inter Ascelinum Rofensem episcopum, et ejusdem loci monachos, ecclesiæ scilicet beati Andreæ, super jure maneriorum Lambetham et Hendenham, controversia hujusmodi orta est. Asserebant prædicti monachi, memorata maneria sibi ad victum proprium a rege Anglorum Willelmo juniore, et Lamfranco piæ recordationis Cantuariensi archiepiscopo, et Gundulfo Rofensi episcopo concessa rationabiliter et donata, et ad ejusdem rei evidentiorem probationem, eorundem cartas et confirmationes et sequentium regum Anglorum Henrici et Stephani, et Anselmi Cantuariensis archiepiscopi in medium proferebant. Contra quæ cum præfatus Ascelinus Rofensis episcopus nichil firmum, nichil validum responderet, nec se in prætaxatis maneriis jus habere probare posset, assidentibus nobis venerabilibus fratribus, Teobaldo Cantuariensi archiepiscopo, Rodberto Lundoniensi, Henrico Wintoniensi, Alexandro Linconiensi, Ibrardo Noruuicensi, Sifredo Cicestrensi episcopis, Gaufrido Sancti Albani, Gervasio Westmonasterii, Petro Scireburnensi abbatibus, et magistro Hilario, et aliis quam pluribus religiosis personis, ipsa maneria, cum omnibus suis appenditiis, secundum quod cartæ donationis et confirmationis continebant, ipsis monachis adjudicavimus, et ipsos possessores constituimus, ipso eorum episcopo promittente, quod deinceps sine vexatione et inquietatione monachos bona et possessiones suas habere permitteret, et pacem eis servaret, quod et ipsi firmiter observare præcepimus, ad cujus rei argumentum ipsos monachos in osculo pacis recepit. Nos itaque prædictorum fratrum

justis petitionibus facilem præbentes assensum, tam sæpedicta maneria quam alia omnia eorum bona et possessiones, quas in præsentiarum juste possident, vel in futuro legitime habituri sunt, jura etiam, consuetudines, libertates rationabiliter indultas, auctoritate officii quo fungimur ipsis confirmamus, et præsentis scripti attestatione roboramus.

[Monks of Gloucester.] [1]

[The king's writ as to tithes of Barton.]

Stephanus rex Angliæ Miloni Gloucestriæ, salutem. Præcipio tibi quod juste facias habere monachos Gloucestriæ decimam suam de Berthona sicut melius et plenius habuerunt tempore regis Henrici, ne super hoc inde clamorem audiam.

[Abbot of Gloucester *v.* Robert, Son of Walter, et al.] [2]

[The king's writ of seisin in favour of the abbot of Gloucester.]

Stephanus, rex Anglorum, Roberto filio Walteri et ministris suis, salutem. Præcipio quod juste resaysiatis abbatem de Gloucestria de ecclesia sua de Northona, de terris et decimis, et de omnibus eidem ecclesiæ pertinenti-

[1] 1 Chron. Mon. Glouc. 178 (Rec. Com.). [2] 2 Ib. 46.

bus, sicut fuit die qua rex Henricus novissime mare transivit ad eundum in Normanniam. Et nisi feceris Walterus archidiaconus de Oxonia faciat, ne inde amplius clamorem audiam pro penuria pleni recti. Teste [name not given].

Compare the writ in Abbot of Gloucester *v.* William, the Constable, *ante*, p. 130.

[ABBOT OF GLOUCESTER *v.* R. THE LITTLE.][1]

[The king's writ commanding the defendant to go into the abbot's court, and plead as to tenure of lands.]

STEPHANUS, rex Angliæ, R. parvo, salutem. Si cognoscis quod debeas tenere virgatam terræ quam tenes in Quedesleya de abbate Glocestriæ, tunc præcipio tibi quod desicut abbas dicit quod rectum in ea non habes, aut eas in curiam ejus dirationare quod tua esse debeat, vel dimitte ei terram suam sicut justum fuerit. Et nisi feceris Milo Gloucestriæ faciat, etc.[2]

[CHURCH OF ST. PETER OF GLOUCESTER.][3]

[The king's writ directing that the church of St. Peter hold certain lands in peace.]

STEPHANUS, rex Angliæ, justiciariis et vicecomitibus et ministris suis de Gloucestresyra, salutem. Præcipio quod ecclesia Sancti Petri de Gloucestria teneat terram suam de Rugge ita bene et in pace, et libere, et quiete, sicut

[1] 2 Chron. Mon. Glouc. 96 (Rec. Com.).
[2] Sic.
[3] 2 Chron. Mon. Glouc. 97 (Rec. Com.).

Rannulfus illam eis dedit, et sicut cartha ipsius testatur, et sicut tenuerunt die qua rex Henricus fuit vivus et mortuus, et postea hactenus. Et si quis illis fecerit injuriam, præcipio quod plenum rectum illis faciatis inde. Teste Roberto de Ver apud Bermundesiam.

[Archbishop of York.][1]

[The king's writ directing that the plaintiff hold a certain mill and water in security, and that right be done upon the men who broke the race.]

Stephanus rex Angliæ, justiciariis et vicecomiti de Eborum, salutem. Præcipio, quod Sanctus Petrus de Eborum habeat molendinum suum cum stagno suo de Savelint, ita bene et libere sicut habuit tempore regum Willielmi et Henrici avunculorum meorum, et plenum rectum facite michi et archiepiscopo de illis qui stagnum illud fregerunt. Teste Roberto de Curci, apud Eborum.

[1] 6 Monasticon (part 3), 1197 (ed. 1846).

HENRY II.

[ABBOT OF ABINGDON v. TURSTIN, SON OF SIMON, ET AL. 1154.][1]

[The plaintiff, in the time of king Stephen, disseises the defendants of certain land for non-payment of annual dues; whereupon the defendants go to the king, and, declaring that the plaintiff has unlawfully disseised them, obtain, by paying him money, a writ commanding the plaintiff to redeliver possession to the defendants. The plaintiff defers, and the defendant Turstin obtains (with money) another writ, directed to the sheriff of Oxford, ordering him to try the cause without delay. The sheriff, corrupted by money, delivers possession to Turstin. King Henry II. having succeeded to the throne, the abbot obtains a writ ordering the sheriff of Berkshire to try the cause at once, and give the plaintiff seisin, if entitled to it. Turstin essoins himself on various grounds, and then secretly leaves the county; and the case fails of trial. The plaintiff now obtains another writ directing others to try the matter. The case is now heard before the justiciars and other wise men, and the court pronounce to the king in favour of the plaintiff, and the king approves the decision, and orders Turstin to deliver possession of the land to the plaintiff, and to pay him the damages sustained; with the privilege, on payment, of resuming the original tenure. Turstin is unable to pay the damages, and the land is given to the plaintiff.]

REGNANTE autem rege Stephano, et præsidente huic ecclesiæ domno Ingulfo abbate, prædictus Simon dedit filiam suam in conjugium cuidam militi, nomine Waltero filio Hingam, tradiditque ei supradictam villam Tademertun, tali scilicet conditione qua et ipse eam tenuerat; id est, ut XV. libras abbati inde per singulos

[1] 2 Hist. Mon. Abingd. 183 (Rec. Com.)

annos redderet. Qui villam tenuit, sed nihil omnino pro ea reddidit. Quam ob causam abbas ad eandem villam quendam ex monachis suis transmittens, resaisiavit eam in manu sua; reputans sibi in quantulumcunque lucri provenire saltem ipsam villam (licet etiam aliquandiu cum detrimento constituti redditus) obtinere, quam utroque simul, et villa scilicet et solito ejus redditu, destitui. Hoc autem factum memoratus Simon, et Walterus gener ejus, necnon et filii eorum, graviter accipientes, multa circa nos deinceps malitia usi sunt, nobis semper prout valebant adversantes.

Eo igitur anno quo rex Stephanus et Henricus dux Normanniæ fœderati sunt, Turstinus filius ejusdem Simonis suggessit regi abbatem Abbendoniæ quasdam hereditarii sui juris possessiones injusta et fraudulenta invasione jam aliquandiu occupasse. Datis ei pro restitutione eorumdem muneribus, rex illico abbati per breve suum mandavit ut, remota omni dilatione, quicquid Turstinus suum dicebat, saisiaret. Quo audito, abbas non leve damnum inspiciens, non leviter consensit. Adunata tamen curia sua, diem statuit quo, habita deliberatione, excogitaret quid super hoc responderet. Jam aderat dies statuta, et nondum consentiente abbate ut vel tunc Turstinus quod petebat acciperet, sicut primo, sic secundo diem distulit, quo scilicet sapientiores de tali negotio consuleret. Quo contra Turstinus lucrum suum differri considerans, diem renuit, regem adiit, et quod jussa regis abbas implere noluerit, mendaciter indicavit; insuper (ut citius voti compos efficeretur) regem regisque collaterales jam iterum muneribus sibi illexit. Rex autem causam Turstini justam existimans, vicecomiti suo, tunc temporis Henrico de Oxeneford, præcepit ut, ablato omni dilationis scrupulo, causam

utramque secundum jus regium tractaret. Vicecomes vero, amore pecuniæ depravatus, justos possessores deprædavit; et Turstinum in re non sua, quasi rege jubente et jure dictante, injuste (ut ipse postea confessus est) introduxit. Turstinus ergo saisatus re quam petebat, id est ecclesia de Marcham, et III. hidis ad eandam pertinentibus, et I. in Middeltun, una quoque in Appelford, contra jus ecclesiasticum agens, rem eandem detinuit. Sed non patitur Deus sicut justa sic injusta diu subsistere.

Eodem namque anno quo res ecclesiæ invasit, Stephanus rex diem obiit, eique in regno Henricus junior successit. Quem adeuntes de congregatione fratres, rem prout erat perverse tractatam monstraverunt, supplicantes ut eorum justæ querelæ aurem accommodaret. Adquiescens vero rex fratribus, quorum justam querelam deprehendit, semel et iterum missis litteris, præcepit ut in comitatu Berchescire causa utriusque (ecclesiæ Abbendonensis scilicet, et Turstini) in medio proferretur, prolata examinaretur, examinata vel hinc vel inde terminaretur.[1] Sed Turstinus, de culpa sibi conscius, nunc simulato regis negotio, nunc infirmitate, nunc hac nunc illa occasione, per biennium et eo amplius comitatus caute subterfugit. Quod intelligens abbas, laboris toties

[1] The following appears to be the writ:—Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Ricardo de Canvillis, vicecomit: de Berchescira, salutem. Si abbas de Abbendonia injuste et sine judicio dissaisatus est de terra sua de Mercheham, et de Middeltona, et de Appelford, tunc præcipio quod eum inde sine dilatione et juste resaisias; et teneat ita bene, et in pace, et juste, sicut ecclesia de Abbendonia melius eam tenuit tempore Henrici regis, avi mei; et catalla, quæ in terra illa injuste ablata sunt, juste eis reddere facias;[1] et nisi feceris, justitia mea faciat fieri. Teste comite Reginaldo; apud Windesoram. 2 Hist. Mon. de Abingd. 223 (Rec. Com.).

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[1] Mesne profits.

inanis piguit; et assumptis secum fratribus, ad regem (qui tunc apud Wdestoca morabatur) accessit; obnixe postulans ut sui misertus, et laboris et causæ finem imponeret. Annuit illico rex;[1] et convocatis justiciis suis, Gregorio scilicet Lundoniensi, et Willelmo filio Johannis, et Nigello de Brocco, cæterisque curiæ suæ sapientibus, præcepit ut abbatis et Turstini, qui tunc aderat, causam tractarent; asserens quicquid super hoc recte judicarent, inconcusse teneri debere. Qui, inspecta rei veritate, intellexerunt Turstinum substantiam ecclesiæ injuste detinuisse, et abbatem pro tali damno justam querelam movisse. Sed quamvis hoc justum esset, non tamen de se præsumebant ut hunc re quam invaserat privarent, nisi prius audita ab ore regio sententia. Dicebant quippe solidius posse subsistere quod ex ore regio prolata auctoritas studuerit[2] confirmare. Nuntiaverunt interea præfati viri regi de judicio sibi commisso, quid actum esset, orantes ut ipse voluntatem suam idem[3] eis aperiret. Quibus præcepit ut non solum quod Turstinus injuste adeptus fuerat in dominium ecclesiæ reverterent,[4] verum etiam damnum[5] quod interim

[1] The following appears to be the writ:—Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, H. de Oxeneford vicecomiti et ministris suis, salutem. Præcipio vobis quod si abbatia de Abbendonia injuste dissaisiata est de ecclesia de Mercheham et pertinentiis suis, et de I. hida terræ et dimidia in Middeltuna, et de I. hida in Appelford, sine dilatione eam inde resaisiatis, et in pace tenere faciatis, sicut melius tenuit tempore Henrici regis, avi mei; et nisi feceritis, justitia mea faciat. Teste Warino filio Giroldi; apud Wdestocam. 2 Hist. Mon. de Abingd. 222 (Rec. Com.).

[2] prolatam auctoritatem studuerint?

[3] inde?

[4] reverteretur?

[5] Mesne profits in the same action in which the land is recovered. See Glanvill, lib. 12, c. 18; Ib. lib. 13, c. 38. In the last-named chapter, Glanvill, speaking of the recognition of novel disseisin, says: "In no other recognition does the judgment of the court usually make any mention concerning the chattels or fruits."

ecclesiæ intulit, restaurari juberent; servato quod si idem Turstinus vellet, sicut pater ejus et ipse, manerium Tadmertun per singulos annos pro XV. libris de abbate teneret. Quibus diligenter damnum computantibus dictum est parum esse si Turstinus pro damno de Tademertun LX. marcas, pro damno vero ecclesiæ de Marcham et quinque hidarum, quas prædiximus, III. marcas, abbati persolveret; nisi in hoc idem abbas Turstino parcere voluisset. Turstinus autem, cognoscens quod ei imponebatur vires suas excedere, et villam tenere et pro damno quod jussus erat persolvere se non posse, indicavit. Quod cum regi nuntiatum esset, jussit ut abbas sic villam, sicut ecclesiam, et terram præfatam, reciperet, et Turstino vel suis heredibus post illum diem nihil responderet.

[The claim renewed by Richard Basset, son of Turstin, on the death of the latter. The abbot, however, obtains a writ directing that the monks hold in peace, and Richard makes composition with the church.][1]

Ricardus itaque Basset (filius Turstini, filii Radulfi prædicti) cum, patre mortuo, heres successisset, de supradictis IIII. hidis calumniam movit, multa objectione et curiositate agens, ut eas ad se (si quomodo posset) attraheret. Versutias vero ejus fratres[2] agnoscentes, regem Henricum juniorem, tunc temporis regnantem, adierunt, postulantes ut eis cum pace tenere faceret quod eis juste donatum fuerat. Quorum petitioni benigne annuens, tale breve sigillo suo munitum Ricardo direxit:

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Ricardo Basset, salutem.

[1] Hist. Mon. de Abingd. 188 (Rec. Com.).
[2] The *abbot's* brethren.

Præcipio quod monachi mei de Abbendona teneant in pace, et libere, et quiete, et juste IIII. hidas terræ de Chedeleswrtha, sicut eas tenuerunt tempore Henrici regis, avi mei, et ejusdem libertatibus cum omnibus pertinentiis earum; et prohibeo ne quis eos inde injuste ponat in placitum. Quod nisi feceris, justitia mea faciat fieri, ne inde audiam clamorem pro penuria pleni recti vel firmæ justitiæ. Teste Willelmo, filio Johannis; apud Chivam.

Quo breve audito, Ricardus nec valens in aliquo contradicere, sed et sciens se calumniam movisse, chirographum tale cum Abbendonensibus composuit:

Notum sit omnibus, tam præsentibus quam futuris, quod ego Ricardus Basset, filius Turstini Basset, concessi in eleemosynam perpetuam, et firmiter confirmavi in capitulo, coram omni conventu, et super altare signo cultelli propriis manibus posui, ecclesiæ Abbendone IIII. hidas de Chedeleswrthe, cum pertinentiis earum in bosco, in plano, quas avus meus, Radulfus Basset, et pater meus, Turstinus Basset, dederant prædictæ ecclesiæ tenendas, liberas et absolutas ab omni servitio militari et exactione, præter commune geldum totius comitatus; ita tamen si aliæ terræ meæ sunt quietæ, et illa similiter sit quieta. De bosco autem quod[1] prædictæ terræ adjacet, cum fuero in provincia illa, retineo ad focum coram me faciendum et ad coquinam meam, et virgas et palas ad faldos et sepes circa curiam meam faciendas, et arbores ad molendina mea de Ledecumba, si in bosco illo inveniri poterunt. Quod totum capietur per visum forestarii monachorum, et sicut docuerit, et porci mei de Ledecumba de dominio quieti sint de pasnagio, præsentibus testibus subscriptis: Toto conventu. De laicis,

[1] qui?

Adam Vicecomite, Jordano de Samford, Johanne de Sancta Helena, Gaufredo de Sunigeuuelle, Henrico de Pisi, Radulfo Britone, Radulfo Placitore, et multis aliis.

See Abbot Walkelin *v.* Turstin Basset, *post*, p. 197. The first appearance of the perfect, or nearly perfect, writ of novel disseisin will be noticed above, pp. 169, 170, notes.

[ABBOT WALTER *v.* ALAN DE NEVILLE. NEAR END OF REIGN OF STEPHEN OR BEGINNING OF THAT OF HEN. II. —PROBABLY THE LATTER.][1]

[The defendant, the king's forester, levies and collects a sum of money of lands of Battel Abbey as essarts, and sends the amount to the treasury of the king. The abbot of Battel, on hearing of this, enters complaint in the Court of Exchequer before the earl of Leicester, Richard de Luci (chief justiciar), and other barons, and having established the liberties of Battel, obtains judgment of restitution.]

PRÆERAT ejus temporibus domini regis forestariis quidam Alanus de Nova-villa vocatus, qui ex concessa sibi potestate satis malitiose innumeris et insolitis quæstionibus diversas per Angliam provincias vexabat. Quia enim nec Deum nec homines verebatur, nec ecclesiasticis nec secularibus parcebat dignitatibus. Domino itaque rege in transmarinis agente, inter cætera iniquitatis suæ opera idem Alanus in maneria ecclesiæ Sancti Martini de Bello infra terminos forestarum sita insurgens, de uno eorum, scilicet Bromham, XX. solidos, et de quodam membro ejusdem scilicet Anestia dimidiam marcam, et tantumdem de manerio de Bricthwoldintune, pro exartis vi exegit. Collecta est hæc pecunia per vicecomites provinciarum, et ad scaccarium domini regis delata, ubi a thesauriis recepta, in ærario domini regis est reposita. Quo cognito, abbas unum ex monachis suis cum cartis

[1] Chron. Mon. de Bello, 110 (Ang. Chris. Soc.).

dignitatum et libertatum suarum ad scaccarium transmisit ut in audientia justiciarum super hac insolita et indebita exactione conquereretur. Monachus vero eo perveniens, coram Roberto comite Legacestriæ et Ricardo de Luci, qui tunc summam regni justiciam vice regis exequebantur, et coram aliis baronibus scaccarii conquerens super illata injuria rem ex ordine pandit, cartas legendas proponit, restitutionem ablatorum expetit. Auditis ex cartarum testimonio ecclesiæ libertatibus, omnium unanimi judicio pecunia jamdicta jam per plures dies in thesauro regis reposita extrahitur, coram omnibus monacho redditur, franguntur talliæ, omnisque ejusdem pecuniæ memoria de rotulis eraditur.

The chronicler of Battel Abbey proceeds to narrate a protracted and varying series of litigations concerning the right of presentation to the churches at Middlehale, Trilawe, Brantham, Branford, and Mendlesham. The church at Middlehale had been given to Battel by king Stephen, but Robert de Crevequeor had assumed the right of patronage. The abbot seeks justice without avail, now in the King's Court, now in the Ecclesiastical. Quiet having returned on the death of Stephen, the case is renewed under the new king "first in the Royal Court, then in the Ecclesiastical." The case is then appealed by both sides to the pope, who refers it to two English bishops. They finally hear the cause, and give judgment in favour of St. Martin. A knight named Haymo Peché had claimed the right of patronage of the church at Trilawe, which had been given to St. Martin by William Rufus, and had granted it to a clerk named William de Orbec. Orbec was, however, removed by legal proceedings, instituted "first in the King's Court, and then in the Ecclesiastical," and another appointed by the abbot of St. Martin. A vacancy now occurring by death, William de Orbec again seizes the church; whereupon the abbot, instead of proceeding against William, brings suit against his patron, Haymo, in the King's Court. The parties are first summoned to London, and then (Haymo not coming, but essoigning himself for sickness) to Northampton. In the mean time, the church is sequestered into the king's hands. Haymo, by his son, confesses judgment on the reading of the charters. The other churches, also the gift of king Rufus to Battel, having been seized by Alan de Bellafago, who claimed title under suspicious charters of the abbot's predecessor, the abbot sues for possession in the King's Court, and the charters being pleaded by Alan, a compromise is advised by the whole court, and had.

[ABBOT WALTER v. GILBERT DE BAILLOL. ABOUT 1154.][1]

[The king grants his writ at the instance of Walter, abbot of St. Martin, to John, earl of Eu, commanding him to do justice by the abbot against Gilbert de Baillol as to certain lands. The defendant evades the trial in various ways. Leave is finally obtained to bring the suit into the King's Court, but the king's presence cannot be obtained. The cause, though much litigated before the justiciars, comes to no satisfactory conclusion. The king's presence is at last obtained, and the trial proceeds. The abbot's case is stated by a monk and by a knight. The charters are read before the court, whereupon Gilbert objects that some of them are without seals. Richard de Luci, Chief Justice, replies with contempt at the modern custom for every little knight (*militulus*) to have a seal, and the objection is overruled. Judgment for the abbot, followed by the king's writ for a survey by four knights and twelve men of the vicinage. The survey is made on oath, and the abbot reinvested with possession.]

[It should be observed that the abbot of St. Martin had purchased part of the land, and received part as a gift, from a sub-tenant of the manor of Barnhorn, with the consent of Withelard de Baillol, who held the same of the earl of Eu. Withelard afterwards disseises the abbot for refusing "exactions." This was temp. Henry I. The abbot is unable to gain restitution in that reign or the following, of Stephen; since "in his (Stephen's) time justice was little regarded, and he who was strongest got most." The abbot's claim is renewed on the accession of Henry II. against the successor of Withelard.]

SUCCEDENTE post decessum regis Stephani inclito rege Henrico, prioris Henrici nepote, qui avita tempora renovaret, cum jam Warnerius abbas cessisset, eique vir venerabilis abbas Walterus successisset, idem abbas Walterus quo regi familiaris fieret obtinuit, sicque coram eo super jamdicto tenemento de Bernehorne, querimoniam movit. Rex igitur ad abbatis instantiam litteris suis Johanni tunc comiti Augi præcipiendo mandavit, ut abbati supradicto tenemento plenum rectum teneret, aut si non faceret, vicecomes Sussexiæ hoc faceret, ne rex inde amplius clamorem audiret. Gilebertus vero de Baillol,

[1] Chron. Mon. de Bello, 106 (Ang. Chris. Soc.).

qui tunc temporis dominus fundi videbatur,[1] super hoc multis modis conventus, et per comitem, vicecomitem, abbatem et suos requisitus, per plurimum tempus actum subterfugit, et ne conflictum iniret multipliciter dissimulavit. Unde licet plurimum tempus casso labore consumeretur, noluit tamen abbas cœptis desistere, sed dominum regem tum per se, tum per suos sæpe conveniens, ut causa ipsa in curiam regiam transferretur tandem obtinuit. Sed domino rege nunc in Normanniam transfretante, nunc in Angliam redeunte, negotiisque propriis insistente, cum causa eadem coram justiciis qui vice regis in ejus curia præsidebant diutius ventilaretur, licet rex nunc mandatis nunc præceptis abbati plenitudinem justitiæ frequentissime indiceret exhiberi, nunquam tamen res digno potuit fine concludi. Domino rege tandem apud Clarendonam moram faciente, post multa adversæ partis subterfugia, post dissimulationes plurimas, post abbatis et suorum fatigationes multimodas, utrique parti regia indicitur auctoritate, ut die determinato, regio tribunali apud locum præfatum, sine omni subterfugio et dissimulatione debeant pariter assistere. Cum igitur excusationi jam locus non esset, assunt utrinque, domino rege pro tribunali residente. Astant in medio unus ex monachis abbatis Osmundus nomine, et Petrus de Chriel miles, qui ab initio totius curiæ incipientes, qualiter jamdicta terra de Bernehorne, ex parte fuerit ecclesiæ Sancti Martini de Bello data, ex parte comparata, qualiter postmodum ablata, quousque etiam jam per plurimum tempus post litis ingressum transactum processum sit in causa, coram rege et ejus assessoribus ex ordine exposuerunt, conqueri etiam adjicientes super plurima et dispendiosa negotii dilatione, et abbatis ac suorum fre-

[1] He held three knights' fees of John earl of Eu. 1 Lib. Nig. 66.

quenti et inani fatigatione. Cum igitur jam nihil esset in quo recordationi prosecutionis causæ possit merito contradici, curia regia in omnibus testimonium perhibente, ex regis permissione leguntur in omnium audientia cyrographa emptionis et donationis, sed et cartæ confirmationum. Quibus cum quid responderet pars adversa minus haberet, Gilebertus de Baillol ne nihil objicere videretur, se prædecessorum suorum cyrographa audisse, sed nulla sigillorum testimonia in eis se appensa causatur videre. Quem intuens vir magnificus ac prudens Ricardus de Luci ipsius abbatis frater, tunc domini regis justicia prima, quærit utrum ipse sigillum habeat. Quo asserente se sigillum habere, subridens vir illustris, "Moris," inquit, "antiquitus non erat quemlibet militulum sigillum habere, quod regibus et præcipuis tantum competit personis, nec antiquorum temporibus homines ut nunc causidicos vel incredulos malitia reddebat." Cumque confirmationi Henrici regis[1] senioris calumpniam niteretur inferre idem Gilebertus, asserens abbatem et monachos domino regi non pro æquitate sed pro voluntate posse persuadere, dominus rex propriis manibus cartam et sigillum avi sui regis Henrici apprehendens, et ad eundem Gilebertum conversus, "Per oculos," inquit, "Dei, si cartam hanc falsam comprobare posses, lucrum mille librarum mihi in Anglia conferres." Illo ad hæc, aut parum aut nihil respondente, rex subintulit verbum memoriale: "Si," inquit, "monachi per similem cartam et confirmationem hujusmodi jus in præsenti loco scilicet Clarendona, quem plurimum diligo, se habere possent ostendere, nihil esset in quo eis juste possem contradicere, quo minus eis omnino dimitteretur." Con-

[1] The donation had been confirmed by Henry I. as well as by the earl of Eu. Chron. Mon. de Bello, 105.

versus igitur rex ad abbatem et suos, "Ite," inquit, "et consilio habito, invicem conferte, si forte sit aliquid cui amplius quam huic cartæ velitis inniti. Non tamen vos puto ad præsens aliam quæsituros probationem." Abeuntes itaque abbas et sui super hoc consilium inituri, cartam suam ad omnem probationem esse sufficientem cognoscentes ex verbis regis ultimis, quibus dixit, "Non vos puto ad præsens aliam quæsituros probationem," in præsentiam regis et assidentium habito jam consilio redeunt, se non alios inniti aut aliam quæsituros, extra cartam, probationem asserunt, nil se magis vel minus extra cartam exigere, super hoc autem se judicium regiæ curiæ expectare. Non habente adversa parte quid responderet, quippe cum cartam falsitatis nec auderet nec posset arguere, quia non posset probare, unanimi consensu totius curiæ adjudicatum est, abbati et ecclesiæ Sancti Martini de Bello omnia debere restitui, quæ cartæ suæ exigebat testimonio. . . . Ad regis igitur imperium fiunt litteræ regio sigillo signatæ, ad quatuor milites qui tunc ex ejus præcepto vicecomitatum Suthsexiæ regebant celerius directæ, ut absque dilatione terram quam abbas de Bello in curia sua coram eo dirationaverat, scilicet tres wistas terræ in Bernehorne, cum toto marisco, et decimam quandam de Bocholte, ecclesiæ Sancti Martini de Bello restituerent, tam integre et tam plenarie, tam libere et quiete tenendam, sicut temporibus regis Henrici avi sui teste carta sua tenuerant, designata prius terra ipsa, et terminis ejus peragratis per duodecim viros fideles de vicinio ipsius tenementi qui metas ejus scirent, et obligati sacramento veritatem dicerent. Quo suscepto mandato, Ricardus de Chaaines qui unus erat ex IIII. militibus vicecomitatum Suthsexiæ tunc temporis regentibus, sociorum suorum sibi vice commissa, jamdictum tenemen-

tum adiit, sumptoque tam ab hominibus ejusdem tenementi quam et ab his qui in ejus confinio habitabant sacramento, metisque designatis, abbatem et ecclesiam Sancti Martini de Bello inde investivit.

[ROBERT DE ICKLESHAM v. ABBOT WALTER. ABOUT 1154.][1]

[The abbot of St. Martin having been invested with possession of the lands in question in the preceding case, Robert de Icklesham, with his mother, makes an entry upon a meadow within the tenement adjudged to St. Martin, and being expelled in an attempt to carry off hay, brings suit in the King's Court; claiming (before the justiciars, in the absence of the king) that, as he was not a party to the litigation with Gilbert de Baillol, he could not be bound by the judgment.[2] But the men who made the survey deny his claim, and judgment goes against him, and he is amerced.]

RECUPERATA hoc modo, licet cum labore et difficultate, sæpefata terra, jamque ut putabatur sopitis omnibus, cum remota omni calumpnia, nullius esse videretur mali in posterum suspicio, Robertus quidam de Yclesham cum matre sua Matilde quoddam pratum infra ambitum tenementi illius positum repente invasit. Cujus fœnum cum vi conaretur auferre, abbas præmunitus, congregatis viris quampluribus vim vi reppulit, et fœnum, parte adversa confusa, sibi reponi fecit. Jamdictus ergo Robertus curiam domini regis adiens, et quia rex non aderat in audientia justiciarum ejus conquerens, homines qui sacramento præstito metas tenementi de Bernehorne, designare debuerant, asseruit plus justo occupasse, et sic

[1] Chron. Mon. de Bello, 109 (Ang. Chris. Soc.).
[2] This appears to have been conceded.

cum non traheretur in causam, terram suam sibi sublatam esse. Ad ejus itaque instantem querimoniam abbas cum hominibus qui terram peragraverant ad curiam agitur, super ea quam idem Robertus affirmabat injustitia, satisfacturus. Nec cunctatus abbas mente robustus, licet corpore invalidus, se die determinato in præsentia justiciarum apud Wintoniam exhibuit, hominibus secum adductis qui sæpenominatum tenementum de Bernehorne peragraverant, et ejus metas designaverant. Astante Roberto de Yclesham et super terra sua sibi subdole ut asserebat sublata conquerente, procedunt præfati XII. viri ei in faciem resistentes, iterato sacramentum præstare parati, se non quidem amplius, quinimmo ne sacramenti præstiti viderentur transgressores, minus justo suo ambitu conclusisse. Unde idem Robertus falsæ conquestionis reus esse convictus, omnium judicio misericordiæ regis addicitur.

[WIFE OF ROBERT *v.* ABBOT OF ABINGDON. 1154—1158.][1]

[The plaintiff claims certain land which had been given by her husband to the defendant, alleging that it had been given her as her dowry; but the cause being heard by many wise men, judgment is given for the defendant.]

SICQUE factum est ut ipse Robertus, toto astante conventu, dimidiam illam hidam super magnum altare, absque omni in posterum reclamatione, confirmaret. Postea tamen Roberti uxor asserens hanc in dotem sibi

[1] 2 Hist. Mon. Abingd. 202 (Rec. Com.).

fuisse donatam, a rege Henrico juniore, qui post Stephanum regnavit, breve quoddam abbati Ingulfo detulit, sensum habens ut super hac calumnia rectum [faceret et[1]] abbatem et mulierem examinaret. Brevi autem perlecto, astante muliere, communi sapientium plurimorum, qui vocati erant, consideratione, ostensum est de terra ad eam nil pertinere. Et muliere quidem ad propria revertente, causa hæc est ita finita.

[Certain Persons *v.* Beliardis. 1154—1158.][2]

[The right of Beliardis to houses which she proposed to give to abbot Richard established against the plaintiffs by the wise men.]

Mulier iterum quædam, Beliardis dicta, Sturnelli cujusdam uxor, hujus Ricardi industria provocata, post viri sui decessum domos suas altari Sanctæ Mariæ attitulare disposuit. Sed ei talia cogitanti calumniatores quidam, qui juris sibi aliquod se habere putabant, insurrexerunt; sed veritatis investigatione a sapientibus, qui causam utramque tractabant, utpote calumniam injustam inferentes, postmodum (ut rectum erat) repulsi sunt.

[1] These words seem necessary.
[2] 2 Hist. Mon. Abingd. 206 (Rec. Com.).

[THE HORDARER OF WINCHESTER AND ABBOT INGULF. 1154—1158.][1]

[Abbot Ingulf obtains judgment by battle as to a certain pasture.]

ITEM, tempore Ingulphi abbatis orta est contentio inter hordarium Wintoniensem et ipsum abbatem super quadam pastura inter Offentonam, et Wlfrichestun, quæ vocatur Sumerlese. Quæ causa tam diu ventilata, donec memorata pastura per duellum est sopita, et per victoriam pugilis abbatis huic domui, secundum consuetudinem regni, est adjudicata.

[ABBOT HAMLIN *v.* EARL WILLIAM AND PICOT, A CLERK. 1156.][2]

[Record by Theobald, archbishop of Canterbury, that he had heard witnesses of abbot Hamlin testify that they had heard and seen Robert de H., by consent of his lord, grant the church of St. Gundley to the church of Gloucester; also that he (Theobald) had heard other witnesses declare that they had seen the monks of Gloucester in possession of the church.]

THEOBALDUS, Dei gratia Cantuariensis archiepiscopus, Anglorum primas, et Apostolicæ Sedis legatus, universis Sanctæ Ecclesiæ fidelibus, salutem. Notum esse volumus omnibus ad quos præsens carta pervenerit, nos audivisse testes Hamelini abbatis Gloucestriæ super ecclesia Sancti Gundlei, tres videlicet sacerdotes testificantes se audisse et vidisse quod Robertus de Haya, assensu Roberti filii Hamonis superioris domini, concesserit ecclesiæ Glouces-

[1] 2 Hist. Mon. Abingd. 213 (Rec. Com.).
[2] 2 Chron. Mon. Glouc. 51—55.

triæ et monachis ecclesiam Sancti Gundlei, et quod Herewaldus tunc Landavensis episcopus, a manibus Roberti de Haya receptam abbati Serloni Gloucestriæ tradidit, et eum inde canonice investivit. Sed et alios duos ejus audivimus testes laycos, cum uno sacerdote, testificantes se vidisse monachos in possessione ecclesiæ Sancti Gundlei, et eosdem monachos fructus percipere, et quod sub nostro conspectu testati sunt, consequenter juramento confirmaverunt.

Ista audivimus et vidimus, et hæc testamur, etc.[1]

[Theobald reports that he gave judgment accordingly, but that the defendant, earl of G., refused obedience. He asks for an enforcement of the judgment.]

Theobaldus, Dei gratia Cantuariensis archiepiscopus, Anglorum primas, Apostolicæ Sedis legatus, venerabilibus fratribus et amicis Roberto Bathoniensi, et Johanni Wygorniensi episcopis, salutem. Quod a nobis super ecclesia Beati Gundlei gestum est, et qua ratione eam Hamelino abbati et monachis Gloucestriæ, restituimus, præsenti scripto vobis significamus.

Quoniam igitur W. comes Gloucestriæ ad diem peremptorium, ante nostram præsentiam, omnino apparere contempsit, et Hamelino abbati et monachis Gloucestriæ super ecclesia Beati Gundlei respondere, qua eos injuste spoliaverat, sententia canonica dictante, ipsi abbati et ejus monachis præfatam ecclesiam canonice restituimus. Quod si præscriptus comes eos contra sententiam diffinitivam, qua illam ecclesiam adepti sunt, et a nobis inde investiti, vexare præsumpserit, ecclesiastica ultione eum secundum officium vobis per dyœceses vestras injunctum coerceatis et compescatis, et sententiam quam dominus Landavensis episcopus in eum horum occasione protulerit

[1] Sic.

et vobis denunciaverit firmiter per vestras dyœceses observari præcipiatis quousque resipiscat, et ablata integre eis restituat.

[Record of judgment against Picot, a clerk, inducted into St. Gundley apparently by earl William; trial before a synod on oath of witnesses.]

Venerabili domino patri suo carissimo Theobaldo, Dei gratia Cantuariensi archiepiscopo, Anglorum primati et Apostolicæ Sedis legato, Nicholaus, Landavensis ecclesiæ minister humilis, salutem et devotam obedientiam. Celebrata synodo apud Kayrdif juxta mandatum vestrum, delecte pater, quæ per abbatem Gloucestriæ ibidem accepimus, diligenter inquisivimus veritatem causæ quæ inter ipsum abbatem et Picotum clericum agitabatur super ecclesia Sancti Gundlei de Novo Burgo; et tandem judicio synodi mandati vestri formam secutæ, acceptis prius legitimorum testium juramentis tam super monachatu Picoti quam super possessione abbatis, Gloucestrensem ecclesiam in possessionem præfatæ ecclesiæ Sancti Gundlei qua fuerat absque ordine judiciario destituta, reduximus. Et quoniam eandem ecclesiam ad jus Gloucestrensis ecclesiæ pertinere totius synodi recordatione cognovimus, supplicandum duximus paternitati vestræ ut, confirmato quod a nobis actum est, ita prædictæ ecclesiæ foveatis justitiam, ne denuo quod injuste diu passa est detrimentum incurrat. Valeatis, etc.[1]

[Theobald's writ of confirmation of the judgment, with direction to induct the abbot of Gloucester into the church of St. Gundley.]

Theobaldus, Dei gratia Cantuariensis archiepiscopus, Anglorum primas, et Apostolicæ Sedis legatus, venerabili fratri et amico Nicholao, Landavensi episcopo, salutem. Accepimus ex tenore litterarum vestrarum quod

[1] Sic.

judicio synodi Landavensis ecclesiæ, ecclesia Sancti Gundlei de Novo Burgo restituta sit etiam vestra auctoritate abbati et monachis Gloucestrensis monasterii. Nos ergo judicium illud ratum habemus, et quod inde fecistis patrocinari per omnia volumus. Si vero clavem ecclesiæ quis detineat, ut dicitur, vos ad ecclesiam illam in persona vestra accedatis, et nisi sacrilegus ille detentam clavem reddiderit, vos clavem novam nostra auctoritate faciatis, et ecclesiam aperiatis et corporalem investituram abbati Gloucestriæ, tam de ecclesia Sancti Gundlei quam de domibus et officinis et omnibus ad eam pertinentibus, absque dilatione exhibeatis. Et si quis vobis restiterit, vel abbati beneficia ecclesiæ detinuerit, vel quamlibet molestiam ei irrogaverit, vos eum ecclesiastica disciplina coerceatis, et in omnibus confidenter agatis, quia in hac re pro ecclesia Gloucestriæ per omnia vobis validum præstabimus patrocinium. Valete.

[Another confirmation by Theobald to all men of the church, recording the judgment that had been rendered by his bishops in favour of the abbot of Gloucester.]

Teobaldus, Dei gratia Cantuariensis archiepiscopus, totius Angliæ primas, Apostolicæ Sedis legatus, venerabili fratri et amico Nicholao, Landavensi episcopo, et universis aliis Sanctæ Ecclesiæ fidelibus, salutem. Visis cartis monasterii Beati Petri Gloucestriæ, et juramento multorum testium sanæ opinionis accepto super ecclesia Beati Gundlei de Novo Burgo, ex quibus cum aliquotiens controversia in nostra præsentia inter Willelmum comitem Gloucestriæ et Hamelinum abbatem præfati monasterii super eadem ecclesia agitata fuisset, intelligentes illam ecclesiam ad jus jam dicti monasterii pertinere, consilio venerabilium nostrorum, videlicet Hillarii Cycestrensis, et Roberti Bathoniensis, et Jocelini Saresbiriensis, et

Nigelli Elyensis, et Nicholai Landavensis episcoporum, prædictam ecclesiam Beati Gundlei abbati et monachis Gloucestriæ adjudicavimus. Deinde inspecta carta præfati comitis, advocati hujus ecclesiæ, qua illam ecclesiam cum omnibus pertinentiis suis prædicto monasterio liberam et quietam in perpetuum concessit, et dedit, et confirmavit; ne, lapsu temporum, quod vel ante nos vel per nos super eadem ecclesia factum est, in irritum posset revocari, auctoritate qua fungimur sæpedictam ecclesiam cum omnibus ad eam pertinentibus monasterio Gloucestriæ in elemosinam perpetuam concessimus, et præsentis scripti munimine confirmamus; et eam ita confirmatam in perpetuum esse concedimus. Hæc autem confirmatio facta est in anno millesimo centesimo quinquagesimo sexto ab Incarnatione Domini, et decimo septimo kalendas Junii. Valete.

[Confirmation by Nicholas, bishop of Llandaff, recording the judgment.]

Universis Sanctæ Matris Ecclesiæ filiis, Nicholaus, Dei gratia Landavensis episcopus, salutem et benedictionem. Noverit caritas vestra, quod concedimus, et præsenti carta confirmamus, ecclesiæ Sancti Petri Gloucestriæ ecclesiam Sancti Gundlei de Novo Burgo cum omnibus ad eam pertinentibus. Celebrata namque synodo apud Kayrdif totius cleri, recordatione cognovimus eandem ad jus monachorum Gloucestriæ pertinere, et præcedente domini Cantuariensis mandato, et regis Henrici junioris præcepto, Hamelinum abbatem Gloucestriæ et monachos suos retroactis eam temporibus possedisse legitimis testibus comprobavit, et probatam possessionem totius synodi judicio recuperavit. Volumus igitur et præcipimus ut monachi Gloucestriæ quiete possideant in perpetuum prædictam ecclesiam cum omnibus ad eam pertinentibus. Et ne ab

aliquo deinceps injuste super eadem fatigetur sub anathemate prohibemus.

[Another confirmation by Nicholas.]

Nicholaus, Dei gratia Landavensis episcopus, universis Sanctæ Ecclesiæ fidelibus, salutem et dilectionem in Domino. Quod a majoribus nostris, ratione et justitia dictante, constitutum est, hoc merito ratum habere et confirmare debemus. Unde est quod ecclesiam Sancti Gundlei de Novo Burgo, ecclesiæ Beati Petri de Gloucestria a domino et patre nostro Theobaldo Cantuariensi archiepiscopo adjudicatam, cum omnibus pertinentiis suis, quantum ad nos spectat, concedimus. Et ut judicium hoc, cui interfuimus, et recto juris tramite factum esse non ambigimus, illibatum permaneat, memoratam ecclesiam Sancti Gundlei ecclesiæ Sancti Petri, et Hamelino abbati et monachis Gloucestriæ sigilli nostri munimine confirmamus. Valete.

[The following letter of Nicholas appears to relate to the same litigation :—][1]

Venerabili domino et patri suo carissimo Theobaldo, Cantuariensi Dei gratia archiepiscopo, Anglorum primati, et Apostolicæ Sedis legato, Nicholaus, Landavensis ecclesiæ minister, salutem et debitam cum omni devotione obedientiam. Noverit paternitas vestra Johannem, Dunewaldum, et Uganum, Gilebertum, et Jacobum, Uganum, et Ruelen, quos abbas Gloucestriæ in causa super ecclesia de Novo Burgo testes produxit in præsentia nostra, boni testimonii viros, et comprovincialium suorum judicio tales esse qui merito debeant in testimonium veritatis admitti, siquidem quatuor ex ipsis Johannem scilicet, et Dunewaldum, Gilebertum, et Uganum,

[1] Chron. Mon. Glouc. 56 (Rec. Com.).

ad sacros ordines canonice primatos fuisse, et a die ordinationis suæ in officio sacerdotali usque nunc irreprehensabiliter ministrasse, alios vero tres dies suos innocenter et sine querela duxisse cognovimus. Testimonium autem eorum non solum fama consentiens roborat, verum etiam et nos ab aliis legitimis viris qui in præsenti vita adhuc supersunt necnon et ab aliis qui jam universæ carnis viam ingressi sunt. Idem quod ipsi asserunt se vidisse dudum accepimus, cum ecclesia Gloucestriæ motam sæpius diebus prædecessorum meorum super prædicta ecclesia controversiam suscitaret. Extant et alii, tam de hominibus comitis Gloucestriæ quam de alienis, qui veritatem abscondunt malivolentiam ipsius incurrere metuentes, sed ad eam testificandum, si necesse fuerit abbati, vestra poterunt si placet auctoritate compelli. Valete.

[Monks of Bordsley. About 1156.][1]

[Writ of Nigel, bishop of Ely, directing the sheriff of Gloucester to protect the plaintiffs in the possession of certain lands, and to do right to them upon the men who did violence to them, contrary to the king's writs.]

Nigellus Eliensis episcopus et baro de Scaccario, vicecomiti de Glowecestrescira salutem. Præcipimus tibi, ut facias monachos de Bordesleia tenere suam terram de Cumbe bene et in pace, sicut saisiti sunt per breve regis. Et vide ut habeas ad opus regis quod rectum est de illis qui vim intulerunt prædictis monachis super brevia regis. Testibus Willelmo Cumin et Johanne Marescallo apud Westmonasterium.

[1] Madox, Hist. Exch. 142 (fol. ed.).

[Church of York *v.* Church of Gloucester. 1157.][1]

[Record of judgment of composition between the parties as to certain lands; the dispute having been carried to the pope, and by him delegated to certain bishops, and the trial finally taking place before bishops, abbots, deacons, archdeacons, priors, canons, constables, barons, and stewards.]

Rogerius, Dei gratia Eboracensis archiepiscopus, et Robertus secundus decanus, et totum Eboracensis ecclesiæ capitulum, universis Sanctæ Matris Ecclesiæ filiis, salutem et benedictionem. Ne quod ad ecclesiæ pacem perpetuam et quietem pia bonorum sollicitudine procuratum est, valeat in posterum quacunque cujuslibet machinatione, dolo, vel malignitate rescindi, scripto præsenti testificandum et vestræ communicandum notitiæ duximus, quis protractæ aliquamdiu inter Eboracensem ecclesiam et Gloucestriam supra hiis terris Berthone, Stanedis, Lecche, Otintone, controversiæ finis extiterit. Illustris siquidem et carissimi domini nostri regis Anglorum Henrici secundi, episcoporum etiam quibus erat a domino papa Adriano quarto causæ ipsius cognitio delegata, Roberti videlicet Bathoniensis, Jocelini Saresburiensis, Roberti Exoniensis, aliorum quoque plurimorum consilio, et monitis acquiescentes, elegimus amicali magis compositione rem finire, quam in alterutrius partis gravamen sententiæ judicialis ambiguo fini submittere.

Transactionis itaque modus hic est. Ecclesia Gloucestriæ, de terris ipsis quæ in calumnia fuerant, concessit viginti quatuor libratas Eboracensi ecclesiæ, pro quibus dedit ei totam Otintonam cum hominibus qui in ea erant et omnibus pertinentiis suis, et duas hidas terræ in Cundicote cum pertinentiis eorum, et totam Scerdin-

[1] 2 Chron. Mon. Glouc. 105 (Rec. Com.).

tonam cum hominibus qui in ea erant et omnibus pertinentiis suis in eadem Eboracensi ecclesia, a lite quam adversus Gloucestrensem ecclesiam intendant, omnino recedent. Ecclesia vero Eboracensis, in præsentia regis et totius curiæ ipsius audientia, calumniæ et juri siquid habebat in Berthone, Stanedis, et Lecche, sive membris earum et appendiciis omnibus atque pertinentiis præter supramemoratam Serdintonam, in perpetuum renunciavit ex toto, ita nimirum quod nunquam ab hac deinceps compositione resiliet; neque per se, neque per alium futuris temporibus Gloucestrensis ecclesiæ super hiis quæ prædiximus ullam omnino molestiam, inquietudinem, vel controversiam suscitabit.

Hæc autem facta fuerunt anno Dominicæ Incarnationis millesimo centesimo quinquagesimo septimo, idus Decembris, apud Gloucestriam, sub præsentia, sicut dictum est, regis et eorum quos supramemoravimus episcoporum, testimonio etiam venerabilium virorum Gileberti Herefordensis, Nicholai Landavensis episcoporum, Regerii Teokesbiriæ, Reginaldi Persoreusis, Gervasii Wynchecumbensis, Reginaldi Radingensis abbatum, Radulfi Herefordensis, Yvonis Wellensis decanorum, Rogeri de Ramesbiria, Jordani Saresbiriensis archidiaconorum, Petri Bathoniensis, Walteri Abbendoniensis priorum, Hugonis de Clifforde, Gaufridi de Clifforde canonicorum Herefordiæ, Radulfi Anglici, Petri fratris episcopi Exoniensis, canonicorum Exoniæ, Roberti comitis Ligrecestriæ, Patricii comitis Saresbiriensis, Henrici de Exessa constabularii regis, Humfridi de Bohun, Ricardi de Lucy, Ricardi de Humez, Henrici de Pontefracto, Walteri de Herefordia, W. de Bellicampo, Willelmi filii Johannis, Henrici de Oilly, Helyæ Giffardi, et Heliæ filii ejus, Rogeri de Berkelay, baronum regis,

Roberti de Wattevilla, Henrici de Herefordia, Manaser Biseth dapiforum regis.

Compositionem hanc per memet ipsum et eos qui mecum gerebant istud Eboracensis ecclesiæ negotium, scilicet Willelmum cantorem Eboracensem, Johannem thesaurarium, Robertum tunc quidem archidiaconum, postea vero decanum Eboracensem, et Thomam præpositum Beverlaci et regis cancellarium,[1] Willelmum archidiaconum Notinghamiæ, Johannem filium Letoldi canonicum Eboraci, Osbertum Arundel canonicum Beverlaci, primo quidem coram curia regis hinc inde concessam, deinde vero tam assensu totius capituli quam sigillo ecclesiæ Eboracensis in ea quæ sequenti anno, pridie nonas Maii, celebrata fuit Eboraci synodo, roboratam, ut rata sit et in perpetuum inconcussa permaneat, ego Rogerius archiepiscopus Eboracensis impressione sigilli mei subscriptione manus propriæ confirmavi.

[This case, as appears above, had previously gone to the pope (between 1145 and 1153), and was now sent back for trial. While before the pope, several depositions were sent, besides charters of confirmation by William the Conqueror, Henry I., and Stephen, all on behalf of the church at Gloucester. Nothing is said of the evidence produced on the other side. The charter of William the Conqueror appears to be in confirmation of a judgment in favour of the church at Gloucester against the archbishop of York. It will be found *ante*, p. 29. The depositions sent to the pope were as follows:—][2]

Reverentissimo patri et domino Eugenio summo pontifici, frater Rogerus abbas Teokesburiæ, debitam voluntaria subjectione reverentiam. Sciens neminem debere confundi coram sublimitate vestra pro veritate testimonium perhibeo veritati. Quinquaginta nimirum et sex annis in confinio Gloucestriæ vivens in habitu religionis, omnibus hiis vidi Gloucestrensem ecclesiam

[1] Thomas à Becket.

[2] 2 Chron. Mon. Glouc. 110—112.

terras istas Otintonam, Lecche, et Stanedis, continue tanquam proprias tenuisse. Nihilominus etiam quantum et patrum scriptis et eorundem narratione firmari potest, indubitanter agnovi quod easdem retroactis temporibus ex antiqua Merciorum principum donatione possederint. Hæc itaque vera sciens esse tanquam vera testificor. Valeat vestra paternitas, etc.[1]

Patri suo et domino Summo Pontifici Eugenio, frater Thomas de Peresore dictus abbas, et fratrum ejusdem ecclesiæ conventus humilis, voluntarium siquid possunt humili devotione servitium. De querela quam adversus ecclesiam Gloucestriæ movit archiepiscopus Eboracensis, tam scriptorum veritate, quam fide digna relatione, ita nos prædecessorum nostrorum certificavit auctoritas, quod aliquatenus dubitare non possumus prædictam ecclesiam nihilominus juris habere in terris quas calumniatur dominus Eboracensis, videlicet Lecche, Stanedis, et Otintone, quam in hiis de quibus constat quod eas continue a prima sui fundatione tenuerit. Nam sub rege Merciorum Adelredo, emensis inde jam quadringentis, et eo amplius annis a subregulo Hunctiorum[2] Osrico qui regnum postea Nordanhimbrorum obtinuit, in quibusdam earum fundata, quibusdam vero a quodam Ælmundo ingeldinc,[3] et rege itidem Merciorum Bernulfo postmodum ampliata, omni etiam ætate nostra sic easdem continue possedit, quod nunquam eis ad momentum destituta fuit.[4] Habet hujusmodi Gloucestriæ ecclesia rationes quibus prædictarum terrarum tam possessionem quam integrum sibi jus suum conservari posse confidit, si ei solummodo patrocinii vestra gratia non defuerit,

[1] Sic. [2] Wicciorum. [3] Probably for "in geldinge."

[4] The litigation temp. William I. shows that this was not true. *Ante*, p. 29.

cujus si ad meritum sanctitas vestra respexerit, credimus quod facile a vobis opem quam desiderat impetrabit. Ipsa namque, tam disciplinæ regularis observantia, quam sustentatione pauperum hospitalitate laudabili, omnium se bonorum favore dignam semper exhibuit, et universorum quos optimo suæ sanctitatis odore perfudit in amorem sui animos et corda convertit. Hæc quia vera scimus, tanquam vera testificamur opportuno loco et tempore testimonium nostrum eo quo decreveritis modo probaturi. Valeat in æternum sanctitas vestra in Christo dilecte pater.

Eugenio, Dei gratia Summo Pontifici patri suo et domino, Robertus abbas Alencestriæ, devotum animum et ad obediendum domino patrique pronitissimum. Sublimitati vestræ, dilecte pater, notum facimus, quod omnibus propemodum ecclesiis in episcopatu Wygorniensi certum esse non dubitamus, siqua namque fides antiquitati habenda est, siqua patribus quibus in ordine et religionis institutione successimus exhibenda auctoritas, eorum etiam quæ ob veritatis attestationem in scripta publica redacta sunt, si quomodo fida relatio de jure Gloecestrensis ecclesiæ in terris hiis Stanedis, Lecche, Ottintona, dubitare non convenit quam a diebus antiquis in hiis fundatam et hiis Merciorum regum largitione dotatam, cronicorum recordatio et prædecessorum nostrorum attestatio ad nos devoluta convincit. Cunctis quippe diebus nostris Gloucestrensem ecclesiam prædictas terras continue usque hodie possedisse cognovimus, et eam, ut dictum est, ab exordiis suis in hiis fundatam, scriptis et patrum testimoniis intelleximus; et ne in præsentia vestra obscuritatem veritas patiatur, sublimitati vestræ tam visa quam audita significamus, quæ

etiam juxta mandati vestri auctoritatem, si fuerit opportunitas concessa, probare parati sumus. Ad honorem Ecclesiæ suæ paternitatem vestram per longa tempora incolumem divina conservet gratia, in Christo, dilecte pater.

Universis Sanctæ Ecclesiæ filiis, humilis Lanthoniensis conventus. In veritatis testimonio stare est, in conventu nostro frater quidam concanonicus noster W. filius Odonis vocatus, vir magnus dum sæculo militaret, major autem modo Deo serviens, qui regi Willelmo secundo collateralis puer audivit totam abbatiam Gloucestriæ archiepiscopo Eboracensi a sede sua tempore persecutionis fugato, tunc abbate vacantem, ad sui sustentationem committi. Pace autem reformata, rediit archiepiscopus ad propria, monachis omnia quæ acceperat sine diminutione relinquens. Et exinde, sicut asserit prædictus frater, LXV. annis transactis monachi prædicti quiete et inconcusse res suas possiderunt, nominatim Stanedis, Lecche, Berthone, Otintone, quæ proprii esse juris ecclesiæ Gloucestriæ testatur. Hæc ad notitiam præsentium et futurorum scripta et sigillo nostro signata relinquimus. Hæc frater sæpedictus in conspectu omnium loco et tempore paratus erit probare, sicut jus dictaverit et ratio. Valeatis, et mutuum orationis munus nobis impendite.

Eugenio, Dei gratia Summo Pontifici, patri suo et domino, Radulphus, prior et conventus Sanctæ Mariæ Wygornensis ecclesiæ, salutem et debitæ famulatum obedientiæ. Sanctæ sublimitati vestræ, pater reverentissime, scripto notificamus quæ vel scriptis vel patrum

testimoniis vera esse intelligere potuimus de jure Gloucestrensis ecclesiæ in hiis terris, videlicet Stanedis, Lecche, et Otintona. Siquidem cronicorum recordatione et prædecessorum nostrorum attestatione didicimus Gloucestrensem ecclesiam a diebus antiquis in hiis supradictis terris fuisse fundatam, et regum Merciorum largitione hiis dotatam. Cunctis etiam diebus nostris vidimus et cognovimus eandem Gloucestrensem ecclesiam prænominatas terras continue usque hodie possedisse, et eam, ut diximus, ab exordiis suis in hiis fundatam fuisse. Hæc ita constare quemadmodum vestræ sublimitati suggerimus, juxta vestræ discretionis auctoritatem et prudentiæ dispensationem, probare parati sumus. Valeat per longa tempora ad honorem Ecclesiæ suæ piissima paternitas vestra, etc.[1]

Patri suo et domino Summo Pontifici Eugenio, frater Ricardus, Eveshamensis ecclesiæ dictus prior, et humilis ejusdem ecclesiæ conventus, debitum in omnibus obedientiæ famulatum. Fratrum, domine, caritate commoniti testimonium damus veritati, testificantes cum fiducia quod ab illis certa relatione cognovimus, de quorum probata religione non dubitamus. Constat enim quod maneria illa quæ sibi vendicat dominus Eboracensis, scilicet Lecche, Stanedis, et Otintone, ad dominium Gloucestrensis ecclesiæ de legitima ratione pertineant, ea namque sibi a longe retroactis temporibus Merciorum principum largitione donata, cunctis utique diebus vitæ nostræ sic tenuit ut eorum possessione continua, nec ad momentum aliquando destituta sit. Hæc vulgo nota sunt, adeoque omnibus ista inculcavit antiquitas, ut pauci sint apud nos qui non hæc a patribus audita cognoverint

[1] Sic.

et memoriæ commendaverint. Unde et nos ad hæc probanda quæ diximus prout ipsi jusseritis parati sumus. Valeat in perpetuum pater et noster dominus.

Universis Sanctæ Matris Ecclesiæ filiis, David Wygorniensis cœnobii quondam prior, salutem. In extremo dierum meorum positus, veritatem rei vobis insinuo, super calumnia quam Eboracensis archiepiscopus habet adversus ecclesiam Beati Petri Gloucestriæ, quatinus vos idem communiter sapiatis, et si necesse fuerit tanquam veritatis filii testimonium vestrum huic veritati non negetis. Ego ipse, si quando tractandum est placitum interesse daretur, candentem ferri laminam vel quicquid æquitas justitiæ dictaret amplecterer, nihil hesitans. Hoc igitur coram Deo et sanctis ejus contestor, quod ecclesia Beati Petri Gloucestriæ villas istas, scilicet Berthone, Lecche, Otintone, ab ipso tempore sanctimonialium quæ prius ibidem habitaverunt, possedit et possidet; Stanedis vero ex donatione Beornulphi comitis consecuta est. Et licet Aldredus ecclesiæ nostræ episcopus, qui postea Eboracensis archiepiscopus, aliquamdiu Lecche, Stanedis, Otintone, ob quod construendum supranominatum monasterium Beati Petri Gloucestriæ permissione Wlstani abbatis cognati sui retinuerit, Berthonam autem nunquam, neque in prædictis maneriis eadem ecclesia plenarie dominationis jus vel investituram amisit. Hoc in cartis et cronicis legi. Hoc ex relatione veridicorum testium cognovi et didici. Hoc ego testimonium veritatem scire volentibus sigilli mei impressione confirmavi. Hujus rei sunt testes Robertus venerabilis abbas Alecestriæ bonæ memoriæ et magnæ auctoritatis, Warinus prior Wygorniæ, totusque conventus ejusdem ecclesiæ. Valete.

It is interesting to observe the offer of proof by these deponents;—

in several cases, in such manner as may be ordered, and in the last case, by the ordeal of fire;—like the act of the parties to a trial. Thus was supplied the place of the sanctity of an oath. Compare Rainaldus *v.* Abbot of Gloucester, *post*.

[ABBOT WALKELIN *v.* TURSTIN BASSET. 1158?][1]

[Abbot Walkelin, alleging that he has been disseised by the defendant of a certain tithe, obtains a writ from the king commanding his restoration upon establishing his claim (the writ also providing for the trial of the right to certain land in the possession of the defendant). The trial comes on, and the plaintiff recovers the tithe by the testimony of the county. As to the land, see *ante*, p. 167.

TEMPORE quo Turstinus Simonis filius terram et ecclesiam de Mercham, ut supra diximus,[2] injuste tenebat, decimam quoque ejusdem villæ saisavit, quæ ad ecclesiam illam non pertinebat, sed ad luminare altaris hujus ecclesiæ. Ea de causa quidam ex fratribus ad regem trans mare dirigitur, ut per ejus justitiam et auctoritatem rectum suum ecclesiæ restitueretur. Quod et ita factum est; rediens enim frater, qui missus fuerat, breve a rege transmissum in hæc verba reportavit:

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, vicecomiti suo et ministris suis de Berchescira, salutem. Si ecclesia de Abbendona habuit decimam de Mercham ad luminare ecclesiæ, tempore Henrici regis, avi mei, et anno et die qua fuit mortuus et vivus, et post, et inde sit dissaisita injuste et sine judicio, tunc præcipio quod sine dilatione inde eam resaisiatis; et ita bene, et in pace, et libere, et juste, et quiete, tenere faciatis sicut melius et liberius tenuit tem-

[1] 2 Hist. Mon. Abingd. 225 (Rec. Com.).

[2] *Ante*, p. 167.

pore Henrici regis, avi mei. Et præcipio quod quando Turstinus filius Simonis redierit in Angliam quod abbas Abbendoniæ plenum rectum habeat de terra quam prædictus Turstinus filius Simonis tenet de feudo abbatiæ; et si abbas poterit disrationare quod non defecerit de recto prædicto Turstinus in curia sua, abbas inde ei in curia sua rectum teneat. Teste magistro Johanne de Oxeneford; apud Turonis.

Cum vero perlectum esset regis breve in pleno comitatu, et manifeste compertum, totius comitatus testimonio, quoniam præfata decima ad luminare altaris Sanctæ Mariæ pertineret, et quod eam Turstinus injuste tenebat, vicecomes, ex parte regis, illum dissaisiavit et eam altari cui adjacebat restituit. Qualiter autem ecclesia cum terra coram rege disrationata fuerit, superius in gestis venerandi abbatis Vincentii memoravimus.[1]

The above writ appears to unite the purposes of the writ of novel disseisin and the writ of right, though as to distinct properties.

[Men of Wallingford and Oxford v. Abbot Walkelin. 1158?][2]

[At the suit of men of Wallingford and Oxford, the king (being in Normandy) prohibits the abbot of Abingdon from holding market, except for the sale of cheap articles, until he can return and try the right of market claimed by the abbot, and denied by the men of W. and O. Violence on both sides follows; the king's constable of Wallingford having proceeded to enforce the king's writ. The men of W. and O. now hasten to the king and obtain

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[1] *Ante*, p. 167.

[2] 2 Hist. Mon. Abingd. 227 (Rec. Com.).

another writ directing the earl of Leicester to ascertain by inquisition whether the church of Abingdon had exercised a full market in the time of Henry I., and to give judgment accordingly. The inquisition of the full county results in favour of the abbot. On the king's return the men of W. and O. obtain a writ of false judgment against the abbot, on the ground of perjury of some of the inquisitors. Trial under this writ takes place in the County Court of Berkshire, before the king's justiciars, each side electing old men of impartiality. The court is divided in opinion as to the extent of the market enjoyed by the church in the time of Henry I. The earl of Leicester, who presided, now goes to the king and reports the division, at the same time testifying that he had seen the church of Abingdon in the exercise of full market; and the king gives judgment accordingly.]

In primo tempore adventus abbatis Walkelini ad hanc ecclesiam, adierunt regem istum Henricum juniorem Walingefordenses cum iis de Oxeneforde, de foro ei Abbendonensi suggerentes quoniam aliter esset quam esse deberet, vel Henrici regis, avi sui, tempore fuerit. Multa præterea verborum dolositate et fallaciis insistebant, ut regis assensum de foro defendendo adquirerent. Quibus cum rex credendum putaret, præcepit quidem interim mercatum defendi, præter parva venalia quæ ibi vendi solebant, quousque ipse de transmarinis partibus, ad quas tunc properabat, reverteretur, et super hoc causam subtilius examinaret. Illi vero, accepta potestate, a fori defensione, donec rex transfretaret, abstinuerunt; sed postea, quasi libero utentes malitiæ suæ impetu, assumpto secum regis constabulario de Walingeford, die Dominico, Abbendoniam advenerunt, ex regis verbo omnes, qui venalia sua illuc detulerant, abire præcipientes, rusticisque vim inferentes. Abbendonenses autem, fori sui defensionem graviter ferentes, assumpta nescio unde audacia, omnes qui advenerant adversarios cum dedecore a villa longius abegerunt. Qua repulsione amplius adversarii ad malum instigati, regis in patriam adventum non expectantes, ad eum ubi erat venerunt, et qualiter eis (non

sine magna injuria regis) evenerit, multa superaddentes vana, retexerunt. Importunitati quorum cum legis æquitate satisfacere volens, quodam eis breve tradito, repatriare permisit.[1] Revertentes vero, et prorsus fori Abbendonensis eversionem in litteris contineri putantes, ad justitiam Angliæ, Robertum videlicet comitem Legecestriæ,[2] pervenerunt. Lectum ergo est coram justitia, abbate Walkelino assistente, breve hujuscemodi habens sensum:

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Roberto comiti Legecestriæ, salutem. Præcipio ut, convocato omni conventu Berchesire, XXIIII. homines de senioribus qui Henrici regis, avi mei, tempore fuerunt, eligere facias. Qui si jurare poterint quod in diebus ejus plenum mercatum in Abbendonia fuerit, ita sit et nunc. Si vero nec viderint, nec jurare poterint, ut rectum est, prohibeatur, ne amplius inde clamorem audiam.

Quo perlecto, confusi sunt a spe sua qui portaverant, utpote de veritate sibi conscii. Præcipiente tamen comite, Adam vicecomes comitatum plenum apud Ferneburgam congregans, homines, qui secundum regis præceptum jurare deberent, electos constituit, qui cum juramento asseruerunt se rerum omnium venalium mercatum plenissimum inibi vidisse et interfuisse.

His ita finem habentibus, et rege ad regnum proprium revertente, convenerunt ad eum jurgatores prædicti, fingentes juramentum falsum factum fuisse, et—quia quidam eorum qui juraverant de abbatia erant—quod eis utile videbatur, et non quod rei veritas docebat, protulisse.

[1] Permitted them to return to England.

[2] Robert de Beaumont, earl of Leicester, chief justiciar, 1154—1162.

His verbis rex aliquantulum commotus, præcepit ut apud Oxeneforde iterum Walingefordenses et omnis comitatus Berchescire coram justiciis suis convenirent; et ex utraque parte seniores viri eligerentur, qui, secundum quod eis verum videretur, pro foro Abbendonensi jurarent. Ita tamen ut de abbatia nullus de jurantibus esset, ne suspicarentur aliqua de causa velle pejurare. Quod cum præcepisset rex; ad Saresberiam profectus est, omnibus justiciis suis ad audiendum relictis.

Congregati sunt ergo ut rex jusserat universi; et segregati, qui jurarent, diversis opinionibus causam suam confundebant. Walinkefordenses enim nunquam Henrici regis senioris tempore præter panem vel cervisiam vendi in Abbendonia jurabant; Oxenefordenses vero (nam et ipsi jurabant) se mercatum inibi ampliorem cæteris, non autem plenum, ut in navibus onerariis et quadrigis, vidisse dicebant: qui vero de comitatu jurabant, plenum omnium rerum mercatum vidisse se asserebant; de navibus tantum onerariis, per aquam Tamisiæ currentibus, dubitabant; abbate tamen navibus suis ad ea quæ vellet utente. Comes autem Legecestriæ, qui justitia et judex aderat, eorum videns opiniones variare, nihil super hoc judicare præsumpsit; sed ad regem profectus, ei quæ gesta fuerant indicavit. Ne tamen rex de rei hujus veritate inscius dubitaret, idem comes plenum Henrici regis tempore se testatus est vidisse mercatum; et, quod ulterius est, cum adhuc puer esset, et apud Abbendonam nutriretur regis Willelmi tempore. Rex autem tanti viri testimonio delectatus, plus soli verum dicenti credendum sentivit, quam multis per contentionem a veritate discordantibus.

Interea rege apud Radingam existente, convenerunt ad eum præfati calumniatores, dicentes se ejus villas

minime tenere posse, si mercatum, ut cœperat, in Abbendonia permaneret. Quibus, pro malæ mentis pertinacia, rex indignatus, eosdem a se turbulenter abegit; præcepitque ut a die illo mercatum plenissimum ibi esset, navibus tantum exceptis, abbate tantummodo suis utente. Et ne aliquis dissipare niteretur quod Henrici regis, avi sui, tempore dispositum constabat, et ipse tunc confirmabat, calumniantibus silentium imponens perpetuum interdixit. Tamen antequam res hæc ad hunc finem perveniret, non modicum pertulit abbas Walkelinus laborem.

[It appears by a subsequent statement of the chronicler that this right of market had been granted by Edward the Confessor. Vol. 2, p 278. The grant of Edward was confirmed by kings Henry 1. and Stephen; but it would seem from the writ above given that something more was necessary than a *right* of market, to wit, an actual user of the franchise—something that could be seen. The confirmation by Henry I. has already been given in connexion with a previous dispute. Perhaps, however, Henry II. knew nothing of the grant by his grandfather.

The following is Stephen's confirmation:—][1]

Stephanus, rex Angliæ, episcopo Saresberiæ, et justiciis, vicecomitibus, baronibus, et omnibus ministris et fidelibus suis, Francis et Anglis, de Berchescira, salutem. Sciatis me concessisse Deo et ecclesiæ Beatæ Mariæ de Abbendonia, et Ingulfo abbati, et monachis cum eo in ea Deo servientibus, mercatum in villa de Abbendonia ad diem ,[2] sicut prædicta ecclesia, et abbates, et ipse Vincentius abbas, unquam melius vel liberius tenuerunt, et die qua rex Henricus eis dedit et concessit abbatiam. Et volo et firmiter præcipio, quod omnes homines illuc euntes et ibidem morantes, et inde redeuntes, plene habeant meam firmam pacem, ne super hæc injuste dis-

[1] 2 Hist. Mon. Abingd. 180 (Rec. Com.).

[2] An erasure.

turbentur, super X. libras forisfacturæ. Testibus Willelmo de Ipra, Willelmo de Caisu., et Ricardo de Luci, et Ricardo de Camuilla, apud Oxeneford.

[Liberties of Abingdon. 1158?][1]

[The king's writ exempting the church at Abingdon from toll and other duties and customs.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciis, vicecomitibus, ministris, et omnibus baillivis suis totius Angliæ et portuum maris, salutem. Præcipio quod monachi de Abbendonia sint quieti de omni theloneo, de passagio, de pontagio, de lestagio, et de omnibus consuetudinibus per omnes terras meas et portus maris, de omnibus rebus quas homines sui poterunt affidare esse suas proprias, sicut carta Henrici regis, avi mei, testatur. Et prohibeo ne quis eos vel homines eorum disturbet, super X. libras forisfacturæ. Testibus Arnulpho Luxoviensi episcopo, Uuillelmo de Kesneto, Willelmo de Hastingis; apud Rothomagum.

[The King *v.* Abbot Walkelin. 1158?][2]

[The king's writ directing an inquisition as to the number of hogs which the abbot of Abingdon, temp. Henry I., was wont to feed in the king's forest at K. The finding is that the abbot used to feed there three hundred.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ,

[1] 2 Hist. Mon. Abingd. 218 (Rec. Com.). [2] Ib. 221, 225.

et comes Andegaviæ, Ricardo de Luceio, et forestariis de Windresores, salutem. Præcipio quod sine dilatione faciatis recognosci, per sacramenta legalium hominum de hundredo, quot porcos quietos de pasnagio abbas de Abbendonia solebat habere in foresta mea, quæ Kingesfrid vocatur, tempore regis Henrici, avi mei. Et sicut recognitum fuerit, ita Uualchelino abbati de Abbendonia, et monachis ibidem Deo servientibus, juste habere faciatis. Teste Mansero Biset, dapifero; apud Rothomagum.

Secundum itaque præceptum regis, per legales homines de hundredo, sacramento recognitum est abbatem Abbendoniæ in foresta Kingesfrid CCC. porcos habere sine pasnagio antiquitus solere, et regis Henrici tempore habuisse. Quod et ita Walkelino abbati et successoribus suis ex regis jussu concessum et confirmatum est.

[Monks of Abingdon. 1158 ?][1]

[The king's writ exempting the monks of Abingdon of toll, passage, and customs.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciis, vicecomitibus, et omnibus ministris suis Angliæ, salutem. Præcipio quod omnes res monachorum de Abbendonia, quas homines sui affidaverint suas esse proprias, ad victum et vestitum eorum, sint quietæ de tholoneo, et passagio, et omni consuetudine; et nullus eos injuste inde disturbet, super X. libras forisfacturæ. Teste Willelmo filio Johannis; apud Wdestocam.

[1] 2 Hist. Mon. Abingd. 224 (Rec. Com.).

[Abbot Walkelin v. Knights and Men of Abingdon. 1158?][1]

[The queen's writ commanding the defendants to perform the customary land service due to the plaintiff.]

Alienor, regina Angliæ, ducissa Normanniæ et Aquitaniæ, et comitissa Andegaviæ, militibus et hominibus qui de abbatia de Abbendona terras et tenuras tenent, salutem. Præcipio quod juste et sine dilatione faciatis Walkelino abbati de Abbendona plenarie servitium suum, quod antecessores vestri fecerunt antecessoribus suis, tempore regis Henrici, avi domini regis; et nisi feceritis, justitia regis et mea faciat fieri. Teste Joscelino de Baillol; apud Wintoniam. Per breve regis de ultra mare.

[Abbot of St. Augustine v. William de Roos. 1158.][2]

[The king's writ commanding the defendant to observe tenure to the plaintiff of a certain wood.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Willelmo de Roos, salutem. Præcipio tibi, quod teneas abbati de Sancto Augustino illam communem in bosco de Plumeware-parroc, quam antecessores tui tenuerunt tempore regis Henrici avi mei; et nisi feceris, vicecomes jus faciat fieri, ne inde amplius clamorem audiam pro penuria pleni recti. Teste Johanne Mald., per Willelmum filium Martini, apud Westmonasterium.

See Abbot of St. Augustine v. Emeline de Roos, *post*, p. 207.

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[1] 2 Hist. Mon. Abingd. 225 (Rec. Com.).

[2] Hist. Mon. St. Aug. 408 (Rec. Com.).

[ABBOT OF ABINGDON. 1159.][1]

[The king's writ granting permission to the abbot of Abingdon to plead by attorney.]

HENRICUS, Dei gratia rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciis suis, in quorum bailliis abbas de Abbendonia habet terras, salutem. Permitto quod abbas de Abbendonia mittat senescallum suum, vel aliquem alium, in loco suo, ad assisas vestras et ad placita. Et ideo præcipio quod recipiatis senescallum suum, vel alium, quem ad vos miserit loco suo. Teste Ricardo Britone, clerico; apud Wdestocam.

[MONKS OF ABINGDON v. THE KING'S BAILIFFS. 1159?][2]

[The king's writ commanding the defendants to restore to the plaintiffs a salt-work.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, baillivis suis de Wicu, salutem. Præcipio vobis quod sine dilatione et juste reddatis monachis meis de Abbendonia salem suum, sicut solebant habere tempore regis Henrici, avi mei. Et nisi feceritis, vicecomes meus Wirecestrescira faciat, nec inde amodo clamorem audiam pro penuria recti. Teste Johanne Oxoniensi; apud Wdestocam.

2 Hist. Mon. Abingd 222 (Rec. Com.). [2] Ib. 223.

[ABBOT OF ST. AUGUSTINE v. EMELINE DE ROOS. 1160.][1]

[The king's writ commanding the defendant to observe customary duties to the plaintiff.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Emelinæ de Roos salutem. Præcipio quod juste respondeas abbati Sancti Augustini de operibus expensis de parte tua terræ de Plumstæda, sicut tu et antecessores tui solebatis facere tempore regis Henrici avi mei; et nisi feceris, vicecomes Cantiæ faciat fieri, ne amplius inde clamorem audiam pro penuria recti. Teste Ricardo archidiacono Lut., apud Wudestocham.

See Abbot of St. Augustine v. William de Roos, *ante*, p. 205.

[SHERIFF OF BERKSHIRE v. ABBOT WALKELIN. 1160.][2]

[The defendant's predecessor, becoming old and feeble, agreed with the sheriff of Berkshire to pay him a hundred shillings yearly for attending to the interests of the abbot's men in the courts of the county. The payment of this money came afterwards to be regarded as customary dues even from the defendant. The defendant finally refusing to pay any longer, the plaintiff obtains a writ from the king directing an inquisition as to the state of things in the time of Henry I. The answer being that payment was not made by the abbot at that time, judgment is given for the defendant.]

INGULFUS itaque abbas, prædecessor hujus Walkelini, quia dierum et provectæ erat ætatis, et comitatus sequi non poterat, centum solidos per annos singulos plurimo tempore vicecomiti de Berchesira dare consuevit, ea de causa, ut abbatiæ homines lenius tractaret, et eos in

[1] Hist. Mon. St. Aug. 409 (Rec. Com.).
[2] 2 Hist. Mon. Abingd. 230 (Rec. Com.).

placitis et hundredis, si quid necesse haberent, adjuvaret. Quod postquam processu temporis in consuetudinem versum est, centum quidem solidos de abbatia vicecomes, ac si de redditu suo essent, accipiebat; ipsis vero, pro quibus dabantur, prorsus nihil proficiebat.

Cujus notitia cum ad abbatem Walkelinum perveniret, pro tali ecclesiæ damno doluit; et post annum adventus sui ad abbatiam primum, solidos dare distulit. Requisitus autem quare non illos centum solidos persolvisset, respondit, ne usus malus contra ecclesiam suam inoleret, cum utique priscis temporibus ita minime fuisse. Jubente vero rege, inquisita est rei veritas, si ita Henrici regis, avi scilicet sui, tempore fuisset. Quod cum ita non fuisse in comitatu juramento manifestum esset, prohibuit rex solidos reddi, vel a quoquam in posterum exigi. Sicque abbas Walkelinus centum ad se solidos, male ante annuatim perditos, retraxit, et ad usum ecclesiæ amplius profuturum deputavit.

[Abbot Walkelin *v.* Pagan. About 1160?][1]

[The defendant often refusing and being compelled to pay the dues owed the plaintiff for land held of him, is summoned to court with his son (his heir), and compelled to execute a covenant with the abbot concerning the land; the transaction being in the abbot's chapter, in the presence of clerks and laymen.]

Quidam Paganus nomine, homo ecclesiæ hujus, in villa Appelford unam hidam tenendam pro XX. solidis, singulis annis ad coquinam monachorum reddendis, acceperat.

[1] 2 Hist. Mon. Abingd. 233 (Rec. Com.).

Sed per tempus multum, prælatis sui temporis sibi faventibus, reddere differebat. Quod animadvertens abbas Walkelinus, frequenter cum eodem Pagano egit ut ecclesiæ restitueret quod injuste annuatim auferebat. Quod quamvis Paganus grave ferret, ad hoc tamen constantia hujus abbatis adductus est,[1] ut in capitulum fratrum, cum filio quem heredem habuit, veniret, et pro illa terra, et alia quam in Stoches de ecclesia tenebat, cum abbate et conventu talem pactionem confirmaret. Pro damno vero præterito, in misericordiam abbatis se posuit. Chirographum autem taliter se habet:

Sciant tam futuri quam præsentes, quod ego Walkelinus, Dei gratia abbas Abbendoniæ, totusque conventus ejusdem ecclesiæ, concessimus Pagano de Appelford et heredibus suis, jure hereditario tenendam de ecclesia nostra in perpetuum, tenaturam suam de Appelford, et de Stoches, excepta omni purprestura, pro XX. solidis singulis annis coquinario ecclesiæ nostræ reddendis, pro omni servitio, scilicet ad festum Sancti Michaelis X. solidis, et ad Annunciationem Sanctæ Mariæ X. solidis. Et ut hæc conventio firmior et stabilior haberetur, nos præfato Pagano chirographum sigillis nostris munitum contradidimus; et ipse Paganus et Robertus filius suus, ex sua parte, in præsentia totius capituli, et plurimorum clericorum, et multorum laicorum, juraverunt se et suos hæredes sine omni simulatione præfatam conventionem esse servaturos. His testibus subscriptis, Clemente decano, Radulfo de Sancto Martino, et Rogero filio suo, Martino presbytero, et Helia clerico, Adam vicecomite, Nicholao filio Turoldi, Johanne de Turbervilla, Roberto de Seuecurda, et Willelmo filio suo, Johanne de Tubeneia,

[1] i.e. by summons.

et Ricardo filio suo, Wuillelmo de Leia, Bomundo de Bed., Ranulfo de Morles, Henrico de Luuechenora, et multis aliis.

[Robert de Mandevill *v.* Reginald de Warren. 1162.][1]

[Writ of right by the earl of Leicester concerning land at Digans-well.]

Robertus comes Legrecestriæ, Reginaldo de Warenna salutem. Præcipio quod sine dilatione plenum rectum teneas Roberto de Mandevill, de terra quæ fuit Willelmi de Mandevill fratris ejus de Diganeswell cum pertinentiis suis, quam clamat tenere de te. Et nisi feceris, Robertus de Valoniis faciat. Et nisi fecerit, ego faciam fieri. Teste Gaufrido Labbe. Per breve regis de ultra mare.

[Case of Henry of Essex. 1163.][2]

[Henry of Essex is appealed by Robert of M. of an attempt to betray the king in battle. Decision by duel, in which Henry is vanquished.]

Nec mora, insurrexit in eum [Henricum de Esexia] Robertus de Monteforti, ipsius consanguineus, nec genere

[1] Madox, Hist. Exch. 23 (fol. ed.).
[2] Chron. Joc. de Brakel. 51 (Camden Soc.).

nec viribus impar, in conspectu principum terre dampnans et accusans eum de prodicione regis. Asseruit nempe eum in expedicione belli apud Waliam[1] in difficili transitu de Coleshelle vexillum domini regis fraudulenter abjecisse, et mortem ejus sublimi voce proclamasse; et in presidium ejus venientes, in fugam convertisse. In rei veritate, predictus Henricus de Esexia inclitum regem Henricum secundum, Walensium fraudibus interceptum, diem clausisse credidit extremum; quod revera factum fuisset, nisi Rogerus comes Clarensis, clarus genere et militari clarior excercitio, cum suis Clarensibus maturius occurrisset, et domini regis vexillum elevasset, ad corroboracionem et animacionem totius exercitus. Henrico [de Esexia] quidem resistente et[2] predicto Roberto in concione, et objecta penitus inficiante, evoluto brevi temporis spacio, ad corporale duellum perventum est. Convenerunt autem apud Radingas pugnaturi in insula quadam satis abbatie vicina; convenit et gentium multitudo, visura quem finem res sortiretur. . . .[3] Et jam totus desperans [Henricus], et rationem in impetum convertens, impugnantis, non defendentis, assumpsit officium. Qui dum fortiter percussit, fortius percussus est; et dum viriliter impugnabat, virilius inpugnabatur. Quid multa? victus occubuit.

[JOHN, THE MARSHALL, v. THOMAS À BECKET. 1164.][4]

[Thomas à Becket, desiring permission of the king to go to Rome,

[1] 1157. [2] The "et" should be omitted.

[3] He sees the apparition of St. Edmund, and of a person whom he had imprisoned and tortured until death.

[4] 1 Rog. de Hov 221 (Rec. Com.).

is told that he must first answer the complaint of John the marshall for a failure to do justice to him in his (the archbishop's) court. Thomas denies the marshall's charge, and says that John has entered the complaint in an improper form, swearing to the failure in his (Thomas's) court *super quendam troparium;* thereby doing *him* (Thomas) injustice. The king, however, refuses to entertain this suggestion, and calls for judgment by his barons against Thomas *pro recti defectu.* He is adjudged in the king's mercy, and ordered to give security for the payment of five hundred pounds.]

In crastino colloquii venit Thomas archiepiscopus ad curiam regis in capella ejus,[1] et statim petiit ab eo licentiam transfretandi ad Alexandrum papam, qui ea tempestate moram faciebat in Francia, et habere non potuit. Dixit enim ei rex, "Tu prius respondebis mihi de injuria quam fecisti Johanni Marescallo in curia tua." Conquestus enim erat regi idem Johannes, quod calumniatus esset in curia archiepiscopi terram quandam de illo tenendam jure hæreditario, et diu inde placitasset, nullam inde potuit assequi justitiam; et quod ipse curiam archiepiscopi sacramento falsificaverat secundum consuetudinem regni. Cui archiepiscopus respondit: "Nulla justitia defuit Johanni in curia mea, sed ipse (nescio cujus consilio, an propriæ voluntatis motu) attulit in curia mea quendam troparium,[2] et juravit super illum, quod ipse pro defectu justitiæ a curia mea recessit; et videbatur justitiariis curiæ meæ quod ipse injuriam mihi fecit, quod sic a curia mea recessit; cum statutum sit in regno vestro, 'Quod qui curiam alterius falsificare voluerit, oportet eum jurare super sacrosancta evangelia.'"[3] Rex quidem non respiciens ad verba hæc, juravit quod ipse haberet de eo judicium. Et barones curiæ regis judicaverunt eum esse in misericordia regis; et

[1] *Magnum Concilium* at Northampton, anno 1164.
[2] Versicles sung at mass. 1 Foss, 206, note.
[3] See Glanvill, lib. 12, c. 7.

quamvis archiepiscopus niteretur judicium illud falsificare, tamen prece, et consilio baronum posuit se in misericordia regis de quingentis libris, et invenit ei inde fidejussores. Et sic a curia recedens ad hospitium suum ivit, et propter iram et indignationem quam in animo conceperat decidit in gravem ægritudinem.

The following case should be read in connexion with the above, the circumstances being continuous.

[The King *v.* Thomas à Becket. 1164.][1]

[Thomas is now summoned at the suit of the king to answer, the next day, a charge by the latter of peculation, before his consecration, of the revenues of the crown. Thomas essoins himself on account of sickness, which the king, on inquiry, finds to be real; and the case is postponed a day. Next day à Becket proceeds to court, carrying a crucifix. After appealing to the pope, he alleges in defence to the action that he had rendered full account concerning the revenues in question before his consecration as archbishop, and refuses to answer. The king calls for judgment by his barons; and they going out, sentence the defendant to imprisonment. He prohibits execution of the sentence, and escapes.]

Quod cum regi constaret, ut eum magis affligeret, statim misit ad eum, et summonuit eum per bonos summonitores, quod in crastino venisset, paratus reddere illi rationem villicationis suæ, quam habuit in regno suo ante consecrationem suam. Archiepiscopus autem, sciens quod grave ei immineret exterminium si in curia venire properasset, modis omnibus quæsivit dilationem: tum quia tempus summonitionis brevissimum erat, tum quia ipse graviter infirmabatur. Cumque rex vidisset quod archiepiscopus ad diem illum non veniret, misit ad eum

[1] 1 Rog. de Hov. 225 (Rec. Com.).

Robertum comitem Leicestriæ, et Reginaldum comitem Cornubiæ ad videndum ægritudinem illius. Qui cum venissent, invenerunt illum in lecto jacentem infirmum, et ad petitionem illius dederunt ei respectum veniendi ad curiam usque mane. Eodem die dictum erat ei et nunciatum a familiaribus regis, quod si ipse ad curiam regis venisset, vel interficeretur, vel in carcerem mitteretur. . . .

[The archbishop celebrates mass, and then goes to court, bearing his crucifix before him. The bishops try in vain to induce him to lay it down. He meditates escape, saying that he had appealed to the pope, and calls upon the bishops to notice it; but he does not leave. The case now proceeds as follows:—]

Tunc omnes episcopi laudaverunt ei, ut ipse satisfaciens voluntati regis, redderet ei archiepiscopatum suum in misericordia illius, sed archiepiscopus noluit eis inde credere. Tunc mandavit ei rex per milites suos, ut sine dilatione veniret, et redderet ei plenariam computationem de omnibus receptis, quæ receperat de redditibus regni, quamdiu cancellarius ejus fuit; et nominatim de triginta millibus librarum argenti. Quibus archiepiscopus respondit: "Dominus meus rex scit, quod ego sæpius ei reddidi computationem de omnibus his quæ ipse modo a me petit, antequam electus fuissem ad archiepiscopatum Cantuariensem. Et in electione mea Henricus filius ejus, cui regnum adjuratum fuit, et omnes barones scaccarii, et Ricardus de Luci justitiarius Angliæ, clamaverunt me quietum, Deo et sanctæ ecclesiæ, de omnibus receptis et computationibus, et ab omni sæculari exactione ex parte domini regis; et sic liber et absolutus electus fui ad hujus officii administrationem; et ideo amplius nolo inde placitare." Quod cum regi constaret, dixit baronibus suis, "Cite facite mihi judicium de illo, qui homo meus ligius est, et stare juri

in curia mea recusat." Et exeuntes judicaverunt eum capi dignum et in carcerem mitti.

Tunc misit rex Reginaldum comitem Cornubiæ et Robertum comitem Leicestriæ ad indicandum illi judicium de illo factum. Qui dixerunt ei, "Audi judicium tuum." Quibus archiepiscopus respondit: "Prohibeo vobis ex parte Omnipotentis Dei, et sub anathemate, ne faciatis hodie de me judicium, qui appellavi ad præsentiam domini papæ." Dum autem prædicti comites redirent ad regem cum responso illo, archiepiscopus exivit a thalamo, et progrediens per medium illorum venit ad palefridum suum, et ascendit, et exivit ab aula, omnibus clamantibus post eum, et dicentibus, "Quo progrederis, proditor; expecta et audi judicium tuum."[1]

[Bishop Godfrey. 1164.][2]

[The king's writ commanding all the tenants of the abbey of Abingdon to do fealty and service to bishop Godfrey, to whom the king has committed the care of the abbey.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, omnibus, tam clericis quam laicis, tenentibus de abbatia Abbendonensi, salutem. Præcipio quod intendatis Godefrido episcopo, cui commendavi abbatiam de Abbendona, tanquam abbati, de omnibus quæ pertinent ad ipsam abbatiam, et faciatis ei fidelitatem et servitia, ita plenarie et integre sicut facere solebatis prædecessoribus suis, et nisi feceritis, vicecomites in quorum bailliis estis, vos justicient, donec faciatis. Teste Johanne decano Seresberiensi; apud Wdestocam.

[1] The archbishop then makes his escape from the hall.

2 Hist. Mon. Abingd. 234 (Rec. Com.).

[THE KING *v.* HIS SHERIFFS. 1170.][1]

[The king deposes nearly all of his sheriffs and bailiffs for misconduct in office, and they all give pledges to answer for their wrongful acts and exactions. He then directs an inquisition on oath by all of his earls, barons, knights, frank-tenants, and villains in each county to ascertain the extent of the exactions of his officers.]

PERACTA igitur sollenitate Paschali, perrexit inde [rex] Lundonias, et ibi magnum celebravit concilium de coronatione Henrici, filii sui majoris, et de statutis regni sui: et ibidem deposuit fere omnes vicecomites Angliæ et baillivos eorum, pro eo quod male tractaverant homines regni sui. Et unusquisque vicecomitum et baillivi eorum plegios invenerunt de seipsis, quod ad rectum starent et adresciandum domino regi et hominibus regni, quod eis adresciare deberent de prisis suis; et postea fecit rex omnes homines regni sui, scilicet comites, barones, milites, francos-tenentes, et etiam villicanos, per singulos vicecomitatus jurare, tactis sacrosanctis Evangeliis, quod verum dicerent, scilicet quod et quantum vicecomites et baillivi eorum de eis ceperint, et quod cum judicio et quod sine judicio, et pro quali forisfactura.

The chronicler however adds: "Sed magnum damnum provenit inde genti Angliæ, quia post factam inquisitionem rex reposuit quosdam vicecomitum illorum iterum in locis suis, atque ipsi postea multo crudeliores extiterunt quam antea fuerunt."

[THOMAS À BECKET. 1170.][2]

[Thomas à Becket having become reconciled with the king, the king grants his writ directing protection of him and his men, and

[1] 2 Florence of Worcester, 138 (Eng. Hist. Soc.).

[2] 1 Twysdon's Scriptores, 1413 (Gervasius of Dover).

ordering the restoration to him and them of their property, and an inquisition of the older knights concerning the honour of S., claimed by the archbishop.]

HENRICUS rex Angliæ et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, karissimo filio salutem. Sciatis quod Thomas Cantuariensis pacem mecum fecit ad voluntatem meam, et ideo præcipio quod ipse et sui pacem habeant, et faciatis habere ei et suis qui pro eo exierunt ab Anglia, res suas bene et in pace et honorifice sicut habuerunt tribus mensibus antequam ipse archiepiscopus recessisset ab Anglia. Et faciatis venire coram vobis de antiquioribus et legalioribus militibus de honore de Saltwde, et eorum sacramento faciatis recognosci quid ibi habeatur de feudo archiepiscopo Cantuariæ. Et quod recognitum fuerit de feudo ejus esse ipsi archiepiscopo habere faciatis. Teste Rotrodo Rothomagensi archiepiscopo apud Chinum.

[WILLIAM TURPIN *v.* ABBOT ROGER. 1175.][1]

[The plaintiff obtains a writ of right as to certain land, and the cause coming on for trial in the King's Court, a fine and concord are made, the king confirming the same by his charter; the defendant granting and warranting to the plaintiff certain land at Fencot, at an annual rent, and the plaintiff quit-claiming (with limited warranty) the land in litigation to the defendant, with right of restoration to the land at Fencot if the plaintiff's warranty fail.]

TEMPORE etiam istius abbatis Rogeri orta est controversia inter Willelmum Turpinum, camerarium regis, et domum

[1] 2 Hist. Mon. Abingd. 235 (Rec. Com.).

Abbendoniæ super una hida in Dumeltune, quam clamabat per breve de recto tenere de domo Abbendoniæ. Quæ controversia cum inter memoratum Willelmum Turpinum et domum Abbendoniæ diu esset ventilata, tandem in curia regis hoc fine et tenore est sopita, sicut attestatur cartæ regis Henrici Secundi subsequens inscriptio:

Henricus, Dei gratia rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciis, vicecomitibus, ministris, et omnibus fidelibus suis, Francis et Anglis, totius Angliæ, salutem. Sciatis me concessisse, et præsenti carta confirmasse, Willelmo Turpino, camerario meo, et heredibus suis, terram de Fencota, quam Rogerus abbas Abbendoniæ, communi assensu totius conventus ipsius abbatiæ, coram me concessit ei tenendam, pro duobus solidis annuatim reddendis camerario abbatis, ad festum Sancti Michaelis, pro omni servitio ad ecclesiam Abbendoniæ pertinente; ita quod abbas terram illam ei warrantizabit; et præfatus Willelmus Turpin totam terram quam clamabat in Dumbeltuna quietam clamavit ecclesiæ de Abbendonia, et warrantizabit illam de omni parentela sua, et contra totam progeniem Heliæ, per quem ipse clamabat; et si eam warrantizare non poterit (ipse videlicet vel sui) ecclesia de Abbendonia recipiet terram suam de Fenchote liberam et quietam de Willelmo et suis, sicut chirographum inde inter eos factum, et carta abbatis et conventus, testatur. Quare volo et firmiter præcipio quod idem Willelmus Turpine et heredes sui prædictam terram de Fenchota habeant et teneant in feudo et hereditate, de ecclesia de Abbendonia, et de abbate et successoribus suis, per prædictum servitium, bene et in pace, libere et quiete, integre et plenarie, et honorifice, in bosco et plano, in pratis et pasturis, in

aquis et piscariis, in viis et semitis, et in omnibus aliis locis et aliis rebus ad eam pertinentibus, et cum omnibus libertatibus et liberis consuetudinibus suis, sicut coram me concessum fuit et conventionatum. Testibus G. electo, id est, Northwicensi, Adam de Sancto Asaph, episcopis, Ricardo de Luci, Willelmo filio Ald., dapiferi, Radulfo filio St., camerarii; apud Wintoniam.

[Abbot Hamlin *v.* A certain Person. Ecclesiastical. 1175.][1]

[Record of judgment obtained by the plaintiff as to a certain church upon an inquisition and charters, in a chapter held by commission of the pope before bishop David of M.]

David, Dei gratia Menevensis episcopus, omnibus tam clericis quam laicis per dyœcesim suam constitutis, salutem et benedictionem. Causam venerabilium fratrum nostrorum abbatis et monachorum Gloucestriæ super ecclesia Sancti Paterni, quam quidam tempore hostilitatis ipsis abstulerunt, et aliquantis temporibus injuste detinuerunt occupatam, a domino et patre Summo Pontifice Alexandro nobis delegatam suscepimus cognoscendam, et fine debito, appellatione non admissa, terminandam. Diligenter itaque veritate inquisita et cognita, tam ex autenticis scriptis eorum nobis per fratres suos Johannem et Philippum transmissis, quam ex unanimi attestatione totius capituli nostri, quoniam eadem ecclesia ad monasterium jam dictorum fratrum de jure pertineret, eandem

[1] 2 Chron. Mon. Glouc. 76 (Rec. Com.).

cum omnibus pertinentiis suis præfato monasterio Gloucestriæ, capitulo nostro apud Sanctum David convocato, adjudicavimus. Nos ergo hanc adjudicationem memoratis fratribus factam confirmantes sigilli nostri impressione communimus, ipsosque convocato capitulo nostro apud Sanctum David in præscriptam ecclesiam instituimus. Hæc autem facta sunt anno ab Incarnatione Domini millesimo centesimo septuagesimo quinto. Hiis testibus Pontio archidiacono.[1]

[Abbot Roger. 1175.][2]

[The king's writ commanding the return of fugitives.]

Henricus, Dei gratia rex Angliæ, et dux Normanniæ, et Aquitaniæ, et comes Andegaviæ, justiciis, vicecomitibus et omnibus baillivis suis Angliæ, salutem. Præcipio vobis quod juste et sine dilatione faciatis habere Rogero abbati de Abbendonia omnes nativos et fugativos suos cum catallis suis, ubicumque inventi fuerint in bailliis vestris, nisi sint in dominio meo, qui fugerunt de terra sua post mortem regis Henrici, avi mei; et prohibeo ne quis eos injuste detineat, super forisfacturam meam. Teste Humfrido de Buun; apud Oxeneford.

[1] Left incomplete.
[2] 2 Hist. Mon. Abingd. 235 (Rec. Com.).

[Abbot Odo. About 1175.][1]

[Abbot Odo of Battel seeks and obtains from the King's Court renewal of a decayed charter; the court being composed of the king and his great men.]

Unam ex cartis regis Willelmi, fundatoris monasterii de Bello, contigit tunc temporis in ipso monasterio vetustate dissolvi. Quam cum abbas regi porrexisset, "Hæc," inquit rex, "renovatione indigeret." Abbate ad hoc respondente, "Et nos ut eam si placet auctoritate regia renovando confirmetis supplicamus;" "Non hoc," inquit rex, "nisi ex judicio curiæ meæ facturus sum." Divertit ad hæc abbas a rege, et virum illustrem Ricardum de Luci adiens, regis sibi exposuit responsum. Ad quod vir illustris Ricardus respondens, "Si nostrum," inquit, "super hoc expectatur judicium, ad effectum petitionis tuæ unanimem invenies totius curiæ consensum." Loco et tempore ex consilio viri illustris Ricardi expectato, cum post modicum rex in medio procerum suorum resideret, abbas procedens cartam suam vetustate dissipatam in conspectu omnium proposuit, et ut regia auctoritate renovaretur expetiit. Rege super hoc, si faciendum esset necne, judicium procerum requirente, "Decet," inquit Ricardus de Luci, "decet vos si placet domine cartam ecclesiæ de Bello renovare, cujus etiam si omnes cartæ perissent, nos omnes cartæ ejus esse debemus, qui de conquisitione apud Bellum facta feodati sumus. Et quoniam judicium nostrum utrum faciendum sit necne exigitis, ut cartam prædictam auctoritate vestra confirmando renovetis adjudicamus." Rex ad hæc, vocato Waltero de Constanciis, tunc cancellario suo, postmodum Lincolniensi episcopo, et post modicum Rothomagensi archiepiscopo, jussit cartam novam nominis et sigilli regii secundum formam cartæ veteris fieri, præ-

[1] Hist. Mon. de Bello, 164 (Ang. Chris. Soc.).

cipiens cartæ novæ imponi se confirmationem illam fecisse pro amore Dei et petitione Odonis abbatis, nomen et meritum ejusdem abbatis volens esse in recordatione. Et quoniam in cartis et munimentis, a diversis personis, diverso tempore super eodem negotio datis, solet in posterioribus priorum mentio fieri, ita ut quod posterius est videatur præcedentium exigere testimonium hujusmodi verbis, "sicut carta illa vel illius N. testatur," jussit rex ne clausula illa insereretur, sed aliam antea inusitatam ipse dictavit, et super his quæ viderat in persona propria testimonium perhibens, cartæ præcepit imponi, hoc modo: "Quoniam inspexi cartam Willelmi proavi mei, in qua præscriptæ libertates et quietantiæ, et liberæ consuetudines ab eo præfatæ ecclesiæ concessæ continebantur."[1] Nec dedignatus est inclitus princeps super prædicta clausula reddere rationem. "Si," inquit, "clausula quæ suppressa est inserta fuisset, carta posterior sine priore modicum conferret. Nunc vero nulla in posteriori de præcedentibus originalibus facta mentione, hæc carta sola sufficeret, etiam si omnes aliæ cartæ de Bello deperissent." His a rege dictis, exegit abbas a cancellario et obtinuit, ut sibi tres cartas unam eandamque formam secundum præceptum regis continentes scribi, regisque sigillum singulis faceret apponi. Commissæ sibi ecclesiæ diligenter in hoc et prudenter prospexit, ut quoniam possessiones monasterii sunt a monasterio plurimum remotæ, siquando quavis ex causa quamlibet trium cartarum contigeret, vel etiam duas extra monasterium alias deferri, una saltem earum ad manum semper haberetur in monasterio.

[1] This, it will be observed, is the form of the "inspeximus" charters very frequently used in later times. If this was, indeed, the first use of the form, it (or the reason given for it) is a further indication of Henry's fertility. But the chronicler's statement needs verification.

[JURNET v. CHURCH OF ST. EDMUND. 1176.][1]

[The plaintiff recovers judgment against the church of St. Edmund for money loaned to the cellarer on bond, sealed with the seal of the convent, though the loan was unauthorized by the defendant.]

IN diebus illis celerarius, sicut ceteri officiales, appruntavit denarios a Jurneto judeo, inconsulto conventu, super cartam supradicto sigillo signatam. Cum autem excrevit debitum usque ad sexaginta libras, summonitus est conventus ad solvendum debitum celerarii. Depositus est celerarius; licet allegaret gravamen suum, dicens quod susceperat tribus annis hospites omnes in domo hospitum ad preceptum abbatis, sive abbas fuerit presens sive absens, quos debeat suscipere abbas secundum consuetudinem abbatie.

The chronicler says on p. 28: "Quodam die[2] jussit [abbas] in capitulo, ut quicumque sigillum proprium haberet, ei redderet; et ita factum est, et inventa sunt triginta tria sigilla. Racionem hujus precepti ipse ostendit, prohibens ne aliquis officialis appruntaret aliquod debitum ultra XX. solidos, sine assensu prioris et conventus, sicut solebat fieri. Priori vero et sacriste reddidit sigilla sua, et cetera retinuit."

[ARCHBISHOP ROGER OF YORK v. BISHOP GEOFFREY OF ELY. 1176.][3]

[The plaintiff complains to the king, before the bishops and great men of the kingdom, in a council at Winchester, that the defendant committed an assault and battery upon him at a council lately held at London. But the defendant purges himself before all in legal form of the charge.]

POSTEA tamen eodem anno concilio pro pace inter ipsos

[1] Chron. Joc. de Brakel. 4 (Camden Soc.). [2] 1182.
[3] 1 Twysden's Scriptores, 1109 (John of Brompton).

archiepiscopos et episcopum Eliensem facienda apud Wintoniam per regem tunc ibidem existentem congregato, dictus Rogerus Eboracensis archiepiscopus coram episcopis et regni magnatibus domino regi conquestus est, quod Galfridus Eliensis episcopus in concilio cardinalis, ut dictum est,[1] manus injecerat in eum temere violentas. Quod Eliensis episcopus expresse negans, in conspectu regis et episcoporum circum astancium sacrosanctis evangeliis coram eo positis, de hoc in verbo veritatis legitime se purgavit, quam quidem purgationem legaliter fore factam ipse Cantuariensis archiepiscopus in verbo veritatis attestus est. Et sic ipsi archiepiscopus Eboracensis et episcopus Eliensis iram hinc inde remittentes amici sunt.

[ABBOT OF ST. AUGUSTINE *v.* MEN OF THANET. 1176.][2]

[The men of Thanet refuse to acknowledge the superior jurisdiction of the church of St. Augustine of Canterbury, declining to obey summons to court there, and asserting that they can be impleaded only in their own hallmot at Thanet. The abbot elect of St. Augustine now obtains the king's writ directing a trial of the controversy in the County Court at Canterbury, and there obtains judgment.]

ANNO Domini millessimo CLXXVI. anno autem regis Henrici secundi XXII. mense Decembri in vigilia Sancti Thomæ apostoli Rogerus electus beati Augustini Can-

[1] Referring to the well-known scene of violence which followed upon the contention of the archbishops as to priority of place at a council of the cardinal in London, 1176.

[2] 2 Twysden's Scriptores, 1827 (Thorne's Chron.).

tuariæ et homines de Thaneto qui pertinent ad tenementum beati Augustini tali modo pacificati sunt. Controversia quippe inter monachos Sancti Augustini et homines de Thaneto diutius agitata est, ipsis Thanetensibus asserentibus se ad capitalem curiam beati Augustini Cantuariæ placitandi causa vel judicium sustinendi nullo modo debere accedere, set in halimoto suo in Thaneto omnia judicia sua exerceri, unde idem electus potestatem regiam interpellans, optinuit, quod ex regio mandato eadem controversia in comitatu Canciæ debitum finem fortiretur. Die itaque constituto Cantuariæ in eodem comitatu astantibus utrisque partibus in conspectu Johannis de Kardyf supplentis vices Roberti filii Bernardi vicecomitis, iidem Thanetenses coacti ratione æquitatis recognoverunt, se debere ad curiam Sancti Augustini Cantuariæ venire quociens summoniti fuerint, et ibidem si de aliqua re erga eos querelam abbas habuerit, placitum inire et judicio curiæ stare, sicut homines alterius villæ. Et recognoverunt quod illud idem dirationatum fuerit contra se tempore Clarembaldi quondam electi Sancti Augustini, de rebellione vero sua guagium dederunt electo in maneiam ipsius, et in manu Radulphi senioris Sancti Augustini vidente toto comitatu et testificante.

[It was necessary to seek the king's aid again in 1180; in which year the following writ was granted:—] [1]

Henricus, Dei gratia, rex Angliæ et dux Normanniæ et Aquitaniæ et comes Andegaviæ, hominibus abbatis Sancti Augustini de Tanet salutem. Præcipio vobis, quod juste et sine dilatione faciatis præfato abbati domino vestro omnia servitia, et consuetudines, et jura

[1] 1 Hist. Mon. St. Aug. 449 (Rec. Com.).

quæ ei facere debetis de feodis vestris, et quæ prædecessoribus suis facere solebatis; et nisi feceritis, vicecomes de Kent faciat fieri; ne inde amplius clamorem audiam pro defectu recti. Teste Ranulpho de Glanvilla, apud Wintoniam.

[The controversy concerning jurisdiction was renewed in the next reign, as the following, from the same chronicle of Thorne (2 Twysden, p. 1842), shows:—]

Anno Domini MCXCVIII. anno scilicet regis Ricardi decimo, coram Huberto Cantuariensi archiepiscopo, Ricardo episcopo Londoniensi, Galfrido filio Petri et sociis eorum tunc temporis justiciatiis domini regis apud Westmonasterium, questi sunt homines de Thaneto, quod abbas de Sancto Augustino Cantuariæ exigebat ab eis servicia et consuetudines quæ facere non deberent; et maxime quod faciebat eos sequi curiam suam de Sancto Augustino et ibi placitare et recto stare, quod ipsi dicebant se non debere facere ibi, set in Thanet apud Menstre. Venerunt ergo et posuerunt loco suo ad lucrandum vel perdendum XXX. homines in ipsa querela socios versus ipsum abbatem. Die autem constituto utrique parti, intra pascha venerunt ipsi XXX. pro aliis hominibus de Thanet qui ad abbatem non tenebant et retraxerunt se, et judicati sunt in misericordia pro falso clamore, et Samuel et Norman remanent in prisona quia tenuerunt se cum armis in ecclesia.

[Abbot Matthew v. Abbot Ranulf. 1176.][1]

[Subjection of the abbeys at B. and D. to the defendant adjudged in the chapter of Savigny, before abbots, prior, and sub-prior.]

Frater Guillelmus Savignei dictus abbas, omnibus ab-

[1] Ecclesiastical Doc. 52 (Camden Soc.).

batibus ad Savigneum pertinentibus, salutem. Notum vobis facimus quod postquam audivimus abbatem Matheum de Basinguec querimoniam fecisse in capitulo Cisterciensi de abbate Rannulfo de Billewas, quod abbatias de Basinguec et de Dublina quas per Savigneium habebat, contra formam ordinis tenet, utrisque mandavimus propter bonum pacis ut ante tempus capituli sequentis Savignei se præsentarent. Et ipsi sic fecerunt. Auditis itaque in capitulo Savignei querelis et gravaminibus abbatis Mathei de Basinguec et responsis abbatis Rannulfi de Billewas et cartis quas in eodem capitulo ab abbate R. de Curci et conventu suo de prædictis abbatiis transactis plusquam XX. annis acceperat, dignum duximus cum abbatibus qui aderant et cum senioribus nostris secretius inde tractare. Tunc rogavimus eos uti se ex toto consilio nostro et providencie committerent, et consenserunt. Nos autem, illis remotis, considerantes discrecionem et prudentiam antecessorum nostrorum qui præfatas abbatias abbati R. et conventui de Billewas tradiderunt et cartis confirmaverunt, propter necessarias causas et utiles dignum judicavimus quicquid super hæc fecerunt ratum et firmum haberi imperpetuum. Pace igitur inter eos reformata in communi capitulo nostro præsentibus abbatibus Galtero de Neht et Moyse de Veteri Villa commendavimus abbati Ranulfo de Billewas omnem curam et ordinacionem predictarum domorum sicut filiarum suarum sicut antecessores nostri prius commendaverant et ejus carte testantur. Injunximus quoque abbati Matheo de Basinguec et abbati A. de Dublina ut ipsi et domus sua ex toto intendant et obediant abbati et domui de Buldewas sicut filii patri et sicut filie matri. Facta sunt hæc in capitulo Savignei ab[s]que ulla contradictione. Hiis testibus Roberto

priore et suppriorel[1] Petro et Stephano de Furnesia, Josleno qui ibi fuerat abbas, Ramaldo de Cham et toto capitulo.

[The following confirmation of the above is given :—]

Frater A. dictus abbas Cistercii omnibus abbatibus ad Cistercium pertinentibus salutem. Sciatis nos præsenti carta nostra confirmasse abbati et conventui de Billewas abbatias de Basinguec et de Duvelina sicut primum dilectus filius noster Ricardus de Curci cum esset abbas Savigneii et postea venerabilis frater noster Guillelmus de Tolosa factus abbas ejusdem loci eas eis in capitulo Savigneii concesserunt et cartis suis confirmaverunt. Volumus itaque et statuimus quicquid super hæc, fecerunt ratum et firmum haberi imperpetuum. Hiis testibus Ricardo abbate Belbec, Simone abbate de Sancto Andrea, Galtero abbate de Neht, Johanne abbate de Agneto, Girardo abbate de Lunguilers, Johanne abbate de Joravalle, Radulfo abbate de Chalochi.

[The following shows that the evidences of title were furnished by deposition on inspection of deeds, instead of by transmission of the charters :—]

Reverendis dominis et patribus W. abbati de Cistercio et cæteris abbatibus ibidem in Spiritu Sancto congregatis W. abbas de Cumba et W. abbas de Mirival et W. abbas de Stanle salutem et sue humilitatis obsequium. Ad præcavenda varia pericula que itinerantibus et maxime in navigatione possunt contingere visum est H. abbati de Bildewas nostra pocius testimonia quam sua vobis transmittere munimenta super subjectione domorum de Basingvers et Dublin. Nos itaque fraterne postulacioni nostrum suffragium pro posse volentes impendere prenotata diligenter inspeximus et eandem quam ibi legimus formam vestre discretioni plenius adnotare curavimus. Valete.

[1] Sic.

[THE KING v. ROBERT, EARL OF LEICESTER. 1177.][1]

[William of C., homager of the defendant, asserts to the king that he (William) ought to hold his lands of the king in chief, instead of holding them of the defendant, as he was doing. The king accordingly summons the defendant, and in answer to the claim he declines to contest the matter with the king, though asserting his title. The king, moved by the defendant's answer, gives up his claim to the tenements, retaining, however, two castles. The king also yields to the finding of an inquisition of the county as to other lands in favour of the defendant.]

IN eodem vero concilio[2] Willelmus de Chahannes intimaverat regi, quod ipse deberet de eo tenere in capite baroniam suam, quam de Roberto comite Leicestriæ tenebat. Hæc autem dicebat, pravo usus consilio, quia regi placere voluit, qui dominum suum odio habebat. Cumque prædictus comes Leicestriæ ad diem sibi statutum per regis summonitionem venisset, et cum omnia quæ adversus eum loquebantur auscultasset, respondit, quod quamvis prædecessores sui, proavus scilicet et avus suus, et pater suus, et ipsemet haberent cartas et privilegia regum Angliæ, Willelmi scilicet et Henrici primi, de terris suis, et nominatim de baronia illa, et quamvis prædecessores Willelmi de Chahannis baroniam illam de prædecessoribus suis semper inconcusse tenuissent; noluit tamen contra regis voluntatem, neque de eo neque de alio tenemento placitare; sed concessit, ut id et omnia alia tenementa sua essent in misericordia regis. Cumque rex audisset eum ita pie loquentem, commotus pietate, reddidit ei omnia tenementa sua, in integrum, sicut ea habuit quindecim diebus ante gwerram; sed rex retinuit in manu sua castellum de Munsorel, et castellum de Pascy, quæ duo solummodo remanserant stantia de

[1] 1 Benedictus, Gesta Hen. II., 133 (Rec. Com.).
[2] At Northampton, after Jan. 13, 1177.

omnibus castellis suis. Reddiditque ei rex ibidem totam Leicestriam, et forestam, quæ juratæ erant per commune sacramentum comitatus esse debere de dominico suo. Sciebat autem rex hoc factum fuisse propter invidiam, et pro eo quod rex comitem odio habebat.

[The Widow and Roger, Eldest Son, of Hugh Bigot. 1177.][1]

[Upon the death of Hugh Bigot, his widow by a second marriage sets up a claim on behalf of her son, against the eldest son (born of the first marriage), to the *emptiones et perquisitiones* of the estate, asserting that the deceased had given them to her son. Each of the parties goes to the king with money to obtain favour; but the king on hearing both sides sets a day for trying the case before his earls and barons, and in the mean time takes the estate into his own hand.]

Eodem anno, ante Caput Jejunii, obiit comes Hugo Bigot. Et Rogerus Bigot, ipsius hæres, et uxor ejus venerunt ad curiam apud Winleshovers contendentes, quis eorum regi plus offeret pro hæreditate comitis habenda. Ipse vero, quia primogenitus et hæres comitis erat, obtulit regi et multa et magna, pro hæreditate sua • habenda in integrum, sicut pater suus eam tenuit, die qua fuit vivus et mortuus. Comitissa vero, noverca ipsius Rogeri Bigot, obtulit regi multa et magna, ut ipse concederet filio suo emptiones et perquisitiones ipsius comitis. Dicebat enim, quod comes Hugo Bigot divisit filio suo quem de ea genuit, omnes emptiones et perquisitiones suas. Et cum dominus rex utriusque petitiones

[1] 1 Benedictus, Gesta Hen. II., 143 (Rec. Com.).

audisset, præcepit eis Lundonias venire, ut ibidem consilio comitum et baronum suorum eis secundum rectum et patriæ consuetudinem satisfaceret. Tunc misit rex servientes suos, et saisiavit in manu sua omnes thesauros prædicti comitis.

See Glossary, *Emptiones*.

[CASE OF JOHN SENEX. 1177.][1]

[The defendant, "a most noble and wealthy person," is convicted of robbery by the ordeal of water. He offers money for his life, but without avail.]

INTER cæteros[2] vero qui capti fuerant, captus fuit quidam nobilissimus et ditissimus civium Lundoniarum, qui nominatus erat Johannes Senex. Qui cum per judicium aquæ se mundare non posset, obtulit quingentas marcas argenti domino regi pro vita habenda. Sed quia ipse per judicium aquæ perierat, noluit denarios illos accipere, et præcepit ut judicium de eo fieret, et suspensus est.

[PRIOR ROGER *v.* ABBOT OF ST. M. 1177.][3]

[The defendant having feloniously carried away the body of St. Petroc from the plaintiff's abbey to the abbey of St. M., the plaintiff obtains the king's writ against the abbot of that abbey, ordering him to restore the body, which is finally done.]

EODEM anno quidam canonicus de abbatia Bothmeniæ,

[1] 1 Benedictus, Gesta Hen. II., 156 (Rec. Com.).
[2] Accused of robbery.
[3] 1 Benedictus, Gesta Hen. II., 178 (Rec. Com.).

quæ in partibus Cornubiæ sita est, Martinus nomine, statim post Epiphaniam Domini furtive asportavit corpus Sancti Petroci, et cum eo fugiens transfretavit, et illud sicut detulit usque ad abbatiam Sancti Mevenni sitam in partibus Minoris Britanniæ. Quod cum Rogero priori Bothmeniæ et canonicis ibidem Deo servientibus innotuisset, prædictus prior, per consilium fratrum suorum, dominum regem Angliæ Henricum, filium Matillis imperatricis, adiit, et per ipsius potentiæ auxilium, corpus Sancti Patroci, quod per furtum amiserant, recuperassent. Ad instantiam autem illorum concessit eis præfatus rex auxilium suum, et mandavit per litteras suas Rollando de Dinamno, justitiæ Brittaniæ, quod sine dilatione faceret illud corpus reddi. Audito itaque mandato regis, prædictus Rollandus venit cum armata manu et potenti ad abbatiam Sancti Mavenni, et præcepit corpus illud reddi; quod cum abbas et monachi ejusdem loci reddere nollent, ipse minas addidit, jurans se per vim, nisi celerius redderetur, extrahere velle illud.

The body is then surrendered, on oath that it was the identical one required.

[Mills of Canterbury. 1182?][1]

[The king's writ directing that all mills within and without the walls of Canterbury, not belonging to the church, be examined, and the owners prevented from encroaching upon the rights of mills of the church; and if the church has suffered damage, it may compel compensation.]

Henricus, rex Anglorum, et dux Normanniæ et Aquitaniæ,

[1] Hist. Mon. St. Aug. 462 (Rec. Com.).

et comes Andegaviæ, vicecomiti de Kent et præpositis civitatis Cantuariensis salutem. Præcipio quod omnia molendina, sive intra sive extra muros civitatis Cantuariensis constructa, ita attemperari et admensurari faciatis, ut molendina Cantuariensis ecclesiæ ita plenarie molere possint, sicut molere solebant tempore regis Henrici avi mei, ne ab aliis molendinis aliquatenus impediantur. Et si Cantuariensi ecclesiæ damnum pervenit per aliorum molendina altius levata, quam fuerunt tempore regis Henrici avi mei, præcipio quod sine dilatione et juste ei illud restaurari faciatis, ne inde amplius clamorem audiam pro penuria justitiæ. Testante cancellario apud Argentomagum.

[Case of Gilbert of Plumpton. 1184.][1]

[The defendant is accused, out of mercenary motives, by Glanvill, the king's justiciar, of carrying off and marrying a young heiress in the gift of the king, and of breaking six gates and carrying off a hunter's horn in the act, charging the whole to have been done *in latrocinio et roberia;* which the defendant denies, offering proof of his innocence. Glanvill, however, urges judgment, and the defendant is convicted, and ordered to be hung.]

Interim dum rex moraretur apud Wygorniam cum exercitu suo, ad debellandum Resum filium Griffin, ut supradictum est;[2] adductus est in vinculis juvenis quidam nobili exortus prosapia, et vocabatur Gillebertus de Plumtonia; quem Ranulfus de Glanvil, regis justitiarius, odio habebat, et morti tradere satagebat: imponens illi quod

[1] 1 Benedictus, Gesta Hen. II., 314 (Rec. Com.).
[2] That is, in the chronicle.

ipse puellam quandam de donatione regis, filiam Rogeri de Guilevast, rapuit et sibi in uxorem retinuit; et quod per noctem fregit sex portas patris ipsius puellæ, et abstulit ei unum cornu venatorium et unum capistrum, etc., et prædictam puellam. Adjecit etiam quod hæc omnia in latrocinio et roberia asportavit. At prædictus juvenis omnia quæ ad vim et latrocinia et roberiam pertinebant, modis omnibus defendebat, et super hoc se juri stare obtulit. At Ranulfus de Glanvil volens illum deperire, quia proposuerat præfatam puellam, quam jam prædictus Gillebertus sibi desponsatam cognoverat, Reinero[1] vicecomiti Eboracensi, cum hæreditate patris dare in uxorem. Hortabatur autem eos qui ipsum Gillebertum judicaturi erant, ut eum morti adjudicarent,[2] quod et ita factum est; decreverunt enim illum suspendendum.

The young man was, however, saved from the gallows by the intervention and prohibition of Baldwin, bishop of Worcester; the day of execution being *dies Dominica*. The king, on hearing of the affair, remitted the punishment; but the accused was kept in prison the rest of the king's life.

[Prior and Convent of Abingdon and Thomas de Esseburn. 1185.][3]

[The abbot of Abingdon having deceased, the king gives the abbey to the custody of Thomas of E.; who thereupon proposes to put the whole property, including that which pertained to the prior and

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[1] Glanvill's steward in 1177. Glanvill himself was sheriff of Yorkshire till 1189.

[2] Glanvill appears to have acted as prosecutor (appellor), and not as judge.

[3] 2 Hist. Mon. Abingd. 297 (Rec. Com.).

monks, into the king's hands. The prior and convent oppose this, and seek advice from Glanvill, the king's justiciar. They explain to him their rights and customs, and seek protection. Afterwards in the Court of Exchequer at Westminster, Glanvill, on consultation with the bishops and other justiciars after the case had been fully presented before them, gives judgment in favour of the prior and convent, declaring their affairs to be entirely separate from the abbot's, over which Thomas had been appointed; and Thomas is ordered to act accordingly.]

DEFUNCTO abbate Rogero, et magistro Thoma de Esseburne, clerico domini regis Henrici secundi, ad custodiendam abbatiam istam ab ipso domino rege transmisso, propositum est nobis ab eodem Thoma quod justiciæ domini regis ei injunxerant ut tam obedientias nostras, quam possessiones ad cameram abbatis pertinentes, in manu domini regis seisiret. Prior vero et conventus id graviter ferentes, et de futuro damno et periculo magis timentes, instantius postulabant ut seisinam illam differret donec super hoc cum justiciis loqui, et eis jus antiquitatis, quod a tempore regis Edwardi, in obedientiis nostris libere et quiete per manum nostram tractandis, ostendere possent.

De communi itaque consilio misimus domnum Nicholaum, priorem nostrum, cum quibusdam fratribus, ad Rannulfum de Glanvilla, qui justiciariam potestatem sub rege in toto regno agebat, ut ei consuetudines nostras diligenter viva voce exponerent, et ne occasione regiæ custodiæ mutarentur, aut turbarentur, attentius supplicarent.

Cum vero ad Rannulfum de Glanvilla ad scaccarium apud Westmonasterium venissent, et ei libertates nostras et consuetudines plenius insinuassent, Rannulfus, habita super hoc deliberatione cum episcopis et aliis justiciis, qui ei ad scaccarium assidebant, decreto totius curiæ pronuntiavit nullum jus, nullas consuetudines, quas in obedientiis nostris ab antiquo habuimus, aliquo obtentu debere

innovari, sive ecclesia vacans sit, sive pastore ordinata fuerit. Præcepit etiam prædicto Thomæ, qui præsens erat, ut quoniam rationes nostræ, sicut per nos coram eo sufficienter probatum erat, separatæ sunt a rationibus abbatis, de his tantum quæ ad cameram abbatis spectant, curam haberet. Ad ea vero quæ ad nos spectant manum non apponeret, sed plenum jus et potestatem, tam in tenementis nostris quam in tenentibus, nos habere permitteret. Dicebat enim tota curia quod periculo nostro fieret, si quid a custodibus regis temptaretur, quod abbatibus licere non debet.

[Thomas now makes an enumeration of the goods of the prior and monks, and goes before the court with it, anticipating the convent, and hoping to obtain an order to take the same into custody, but without success.]

Fecerat autem prædictus Thomas omnes possessiones et consuetudines nostras separatim conscribi, ex ore regis et justitiæ loquens, ne ullam in his quæ facere properabat sustineret repulsam. Istud scriptum secum ad scaccarium, priorem et fratres præveniens, detulit, et omnibus justiciis ostendit, credens se posse obtinere quod possessiones nostræ in manus ejus traderentur, ut victum et vestitum tenuiter nobis inde ministraret, et omnia quæ superesse possent, fisco inferret. Nam et modis omnibus fidem justiciis facere nitebatur pertinentias nostras non tantum æquari pertinentiis abbatis, sed etiam his deductis, quæ per manum abbatis in terminis certis recipere consuevimus, portionem ejus respectu portionis nostræ minimam esse. Cujus instantia multum nobis nocuisset, nisi (ut prædiximus) prior et fratres illum a vestigio secuti, de singulis consuetudinibus et possessionibus justiciam plenius instruxissent, et eas sæpius nobis non sufficere docuissent.

In tantum denique prævaluit gratia Dei quod Rannulfus

de Glanvilla, justiciarum primus, ad alias justicias se convertens dixit, consuetudines nostras rationabiliter et discrete institutas fuisse, nec aliquid superfluum in eis deprehendi posse, nec dominum regem velle, nec se audere, contra consuetudines tam antiquas et justas aliquatenus venire, aut circa eas aliquid immutare. Rannulfo vero de Glanvilla pro nobis ita sententiante, ut scilicet de cætero tam possessiones nostras cum plena libertate, quam antiquas consuetudines cum omni integritate, sicut inferius subscriptæ, et coram justiciis lectæ fuerunt, haberemus, omnibus etiam justiciis quæ circumsedebant in hoc ei faventibus et suffragium suum ferentibus, prior et fratres, qui cum ipso transmissi erant, cum pace et gaudio reversi sunt.

[Here follows a statement of the customs, revenues, and expenses, with an enumeration of property, &c. of the monastery. The following are the customs of legal interest:—]

Camerarius habet in manu sua villam de Weliford et villam de Chivele, cum villulis appendiciis. Alia præterea habet tenementa et tenentes, de quibus potest et debet libere et juste disponere. Ad camerarium enim pertinet omnes causas et negotia hominum suorum audire et terminare, et delinquentes pro qualitate delicti pœna pecuniaria condemnare; quam pœnam non poterit abbas a camerario, vel sine camerario, a condemnatis exigere, nec eam contra voluntatem camerarii aut minuere aut remittere.

Si tamen camerarius excesserit et homines suos ad indebita præstanda sæpius compulerit, debet eum abbas secretius, vel in audientia fratrum, corripere, et ab illicitis exactionibus cohibere. De jure vero suo non debet ei aliquid detrahere, quod ita plene in omnibus habet et habere debet sicut abbas in suis tenementis

habere dinoscitur, præter homagia et relavamenta, quæ solius abbatis sunt. Sed etsi homo liber de tenemento camerarii litteras regis abbati pro justitia detulerit, istam causam deducet abbas in curia sua, et proventus qui inde evenerint habebit. . . .

Coquinarius tenet villam de Abbendonia, cum omnimoda libertate; et quæcunque inde evenerint, sive de placitis, sive de cæteris eventionibus coquinarii erunt. Et si captus fuerit latro et convictus fuerit criminis, quicquid de ejus substantia ad dominum pertinet coquinarii erit, vel præpositi qui de eo tenet. . . . Habet et alia tenementa, et alios tenentes, in quibus utitur suo jure, sicut camerarius in suis tenementis et tenentibus.

[ARCHBISHOP OF CANTERBURY v. ABBOT OF ST. EDMUND. ABOUT 1186.][1]

[A homicide having been committed in lands of the monks of Canterbury, which lands were in a hundred of the abbot of St. Edmund, the men of the archbishop of C. would not suffer the abbot to try the offenders. The abbot, however, receiving intimations of favour from the king, sends a body of men and takes away the prisoners by force to St. Edmund. The archbishop complains to the king, and obtains a writ from Glanvill, the justiciar, commanding the men of the abbot to give security for standing trial, and summoning the abbot to the King's Court to answer for the trespass. The case comes on for trial, when charters are produced on both sides, and the king is unable to decide upon them. The abbot, however, offers to submit the question to the verdict of the counties of Norfolk and Suffolk. This offer is declined by the archbishop, and the case terminates, the abbot retaining seisin of the liberty.]

IN manerio monachorum Cantuariensium, quod dicitur

[1] Chron. Joc. de Brakel. 37 (Camden Soc.).

Illegga, et quod est in hundredo abbatis [Sancti Ædmundi], contigit fieri homicidium. Homines vero archiepiscopi noluerunt pati, ut illi homicide starent ad rectum in curia Sancti Ædmundi. Abbas vero conquestus est regi Henrico dicens, quod archiepiscopus Baldewinus vendicabat sibi libertates ecclesie nostre, optentu carte nove quam rex dederat ecclesie Cantuariensi post mortem Sancti Thome. Rex autem respondit, se nunquam fecisse cartam aliquam in prejudicium ecclesie nostre, nec aliquid Sancto Ædmundo velle auferre, quod habere solebat. Quo audito, dixit abbas consiliariis privatis suis: "Sanius consilium est, ut archiepiscopus conqueratur de me, quam ego de archiepiscopo. Volo me ponere in saisinam hujus libertatis, et post me defendam cum auxilio Sancti Ædmundi, cujus jus hoc esse carte nostre testantur." Subito ergo summo mane, procurante Roberto de Cokefeld, missi sunt circiter quater XX. homines armati ad villam de Ilegga, et ex inopinato ceperunt illos tres homicidas et ligatos duxerunt ad Sanctum Ædmundum, et in fundum carceris projecerunt. Conquerente inde archiepiscopo, Ranulfus de Glanvilla justiciarius precepit, ut homines illi ponerentur per vadium et plegios ad standum ad rectum in curia qua deberent stare, et summonitus est abbas, ut veniret ad curiam regis, responsurus de vi et injuria, quam dicebatur fecisse archiepiscopo. Abbas vero sine omni exonio se pluries presentavit. Tandem in Capite Jejunii steterunt coram rege in capitulo Cantuariensi, et lecte sunt palam carte ecclesiarum hinc et inde. Et respondit dominus rex: "Iste carte ejusdem antiquitatis sunt et ab eodem rege Ædwardo emanant. Nescio quid dicam: nisi ut carte ad invicem pugnent." Cui abbas dixit: "Quicquid de cartis dicatur, nos in saisina

sumus, et hucusque fuimus, et de hoc ponere me volo in verumdictum duorum comitatuum, scilicet, Norfolchie et Suthfolchie, se hoc concedere."[1] Sed archiepiscopus Baldwinus, habito prius consilio cum suis, dixit, homines Norfolchie et Suthfolchie multum diligere Sanctum Ædmundum, et magnam partem illorum comitatuum esse sub dictione abbatis, et ideo se nolle stare illorum arbitrio. Rex vero iratus inde et indignans surrexit, et recedendo dixit: "Qui potest capere capiat:" et sic res cepit dilacionem, "et adhuc sub judice lis est."[2]

The chronicler adds, immediately after the above: "Vidi tamen, quod quidam homines monachorum Cantuariensium vulnerati fuerunt, usque ad mortem, a rusticis de villa de Meldingis, que sita est in hundredo Sancti Ædmundi; et quia sciverunt, quod actor forum rei sequi debet, maluerunt silere et dissimulare, quam inde clamorem facere abbati sive ballivis ejus, quia nullo modo voluerunt venire in curiam Sancti Ædmundi ad placitandum."

[Monks of Canterbury *v.* Archbishop Baldwin. Ecclesiastical. 1187.][3]

[The monks of Canterbury obtain a mandate from the pope directing three abbots to restrain the archbishop of Canterbury from acts of oppression over them; but while the abbots are deliberating as to the manner of enforcing the pope's mandate, the archbishop obtains a writ from the king's justiciar, Glanvill, requiring them to desist in their purpose until the cause can be heard before him, and summoning the parties before himself without delay. A similar writ is issued to the sub-prior and convent. The trial coming on, the sub-prior essoins himself for sickness. The case proceeds, and Glanvill prohibits the monks

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[1] That the charters have granted this right?

[2] Hor. Ars Poet. v. 78.

[3] 1 Twysden's Scriptores, 1503 (Gervasius of Dover).

from using the pope's mandates until they shall have conferred with the king, on the ground that the mandates are in derogation of the laws of he kingdom, and directs them to carry the mandates to the king within fifteen days; also to remove the stewards and monks put in places contrary to the will of the archbishop. The three abbots are also prohibited from executing the pope's mandate to them. Monks are now sent to the king, who reach him in advance of the archbishop, and obtain his favour, and succeed in preventing his interference on behalf of the archbishop.]

BALDEWINUS autem Cantuariensis archiepiscopus a suo necdum desistens proposito cotidie suum affligebat conventum. Qui cum nec modice quidem apostolico deferret mandato,[1] tres abbates illi, videlicet de Bello, de Fauresham et Sancti Augustini Cantuariæ, qui Cantuariensis causæ fuerant executores, præfato archiepiscopo commonitoriam miserunt epistolam, eique vigilam Jacobi apostoli diem peremtorium præfixerunt, rogantes suppliciter ut apostolico obediret mandato, ne eciam ipsis in obedientiæ periculum immineret. Sed cum prædicti abbates et monachi Cantuarienses de forma executionis cogitarent, ipsumque archiepiscopum vel ejus nuntios responsales expectarent, a præfecto Angliæ Randulfo de Glanvilla hujusmodi susceperunt mandatum.

Randulfus de Glanvilla abbati de Bello salutem. Præcipio tibi ex parte domini regis per fidem quam ei debes et per sacramentum quod ei fecisti, ut nullo modo procedas in causa quæ vertitur inter monachos Cantuarienses et dominum Cantuariensem archiepiscopum donec inde mecum locutus fueris. Teste Willielmo de Glanvilla per præceptum domini regis de ultra mare. Et omni dilatione et occasione remota sis ad me apud Londoniam proxima die Sabbati post festum Sanctæ

[1] The interference of the pope had been sought and obtained by the monks.

Margaritæ virginis mecum inde locuturus. Teste eodem apud Westmonasterium.

Suppriori quoque et conventui scripsit sic.

Randulfus de Glanvilla suppriori et conventui ecclesiæ Christi Cantuariæ salutem. Præcipio vobis ex parte domini regis ne aliquo modo utamini contra dominum Cantuariensem archiepiscopum aliqua perquisitione quam contra eum quæsistis, donec inde mecum locuti fueritis. Et tu supprior absque occasione et dilatione sis Londoniis in festo Sancti Jacobi cum consilio conventus tui, auditurus et facturus quod tibi dicetur ex parte domini regis, et ibi tunc tecum habeas perquisitiones quæ perquisitæ sunt contra dominum Cantuariensem archiepiscopum. Teste Willielmo de Glanvilla per præceptum domini regis de ultra mare. Per ipsum Willielmum.

His auditis mirati sunt universi. Cum autem supprior corporea detentus infirmitate Londoniam venire non valeret, missi sunt ad Randulfum monachi duo ætate provecti, qui ex parte conventus supprioris absentiam excusarent, et tenorem regii audirent mandati. Cum autem præfectus Angliæ Randulfus de supprioris absentia causaretur, dicens simplicius quam deceret rem factam fuisse, subjunxit; Domino nostro regi insinuatum est, quod vos habetis quasdam perquisitiones de Roma contra eum et regnum ipsius quibus jura regni vultis diminuere, et ipsius statum commutare. Ideoque præcepit dominus rex, et nos ex parte ipsius injungimus, ne perquisitionibus illis utamini antequam inde cum ipso domino rege locuti fueritis. Unde præcipio ut infra XV. dies ad dominum regem cum vestris privilegiis monachos mittatis, ut ejus arbitrio vel approbentur vel penitus proiciantur. Senescallos vero illos et monachos quos terris vestris præter

conscientiam archiepiscopi præposuistis, præcipimus amoveri.

His auditis, monachi illi Cantuariam continuo redierunt. Attamen missi sunt alii nuntii a præfecto Cantuariam, qui in audientia conventus eadem nuntiarent edicta. Abbatibus quoque tribus minaciter ex imperio regis inhibitum est, ne occasione aliqua domini papæ exequerentur mandatum. Missi sunt itaque monachi ad regem in Normanniam, ut cum aliis ejusdem ecclesiæ monachis qui propter alia negotia ecclesiæ ad regem diu ante ipsos missi fuerant, de falsa accusatione absque privilegiorum ostensione conventum excusarent, suæque consuetudines ecclesiæ in suarum rerum libera administratione ex antiquo regum tempore demonstrarent. . . .

Igitur archiepiscopus de suo proposito desperatus,[1] festinus ad mare descendit, et quasi gaudens quod tam callide potestate laica apostolicum elisisset mandatum, III. idus Augusti apud Dovoriam transfretavit. Præmissi sunt autem ad regem ut prædictum est monachi duo, qui conventum ab impositis excusarent. Qui cum secretius cum rege de vocatione monachorum, de privilegiis exhibendis, de inhibitione mandati apostolici exequendi plura proferrent, conventumque excusarent, quod nil contra regem vel regnum perquisissent, rex ad omnia miratus juravit in verbo regio quod nec monachos mandaverit nec privilegia, et quod executio mandati apostolici per eum non steterit. De invasione eciam maneriorum plurimum visus est admirari, dicens archiepiscopum in omnibus his, et maxime in ædificatione novæ ecclesiæ multum errasse, seque eidem archiepiscopo ad constructionem operis hujusmodi nunquam dedisse consilium, sed simpliciter canoniæ faciendæ præbuisse assensum.

[1] His demands were still refused.

[ABBOT OF ST. EDMUND. 1187.][1]

[Lands of St. Edmund having been subjected to amercements, the abbot complains before the king, exhibiting charters to show that his lands are not subject to amercement. The king directs an inquisition before the barons of the Exchequer to determine the truth of the matter; the result being in favour of the abbot.]

DUO comitatus Norfolchia et Suthfolchia positi fuerunt in misericordia regis a justiciariis errantibus propter quoddam forisfacturam, et posite fuerunt L. marce super Norfolchiam, et XXX. super Sutfolciam. Et cum quedam porcio de illa communi misericordia poneretur super terras Sancti Ædmundi et acriter exigeretur, abbas sine omni mora adiit dominum regem, et invenimus eum apud Clarendonam; ostensaque ei carta regis Ædwardi, que liberas facit terras Sancti Ædmundi de omnibus geldis et scottis, precepit rex per literas suas, ut sex milites de comitatu de Norforchia et sex de Sutfolchia summonerentur ad recognoscendum coram baronibus scaccarii, utrum dominia Sancti Ædmundi deberent esse quieta de communi misericordia; et electi sunt tantum sex milites, ut ita parceretur laboribus et expensis, et ideo quia habuerunt terras in utroque comitatu, scilicet Hubertus de Briseword, W. filius Hervei, et Willielmus de Franchevilla, et tres alii, qui Londonias iverunt nobiscum, et ex parte duorum comitatuum libertatem ecclesie nostre recognoverunt. Justiciarii autem assidentes verumdictum illorum inrollaverunt.

Chron. Joc. de Brakel. 47 (Camden Soc.).

CASES OF THIS REIGN OF LESS CERTAIN DATE.

[ABBOT OF BATTEL v. ALAN DE BELLAFAGO.] [1]

[The right of presentation to the church at Mendlesham tried in the King's Court, "though without detriment to ecclesiastical rights or dignities." Alan, the defendant, relies on charters of abbot Warner. Though these are somewhat suspicious, the whole court advise a compromise. This is agreed to, and the compromise drawn up. A day is now set for the parties to give formal consent to it, but Alan fails to appear, and is amerced. Another day is fixed; Alan appears, consents, and resigns his charters into the abbot's hands, receiving in return a grant of the church at Brantham to hold of the abbey at an annual pension of a crown.]

[ALAN DE BELLAFAGO seizes the church at Mendlesham, a vacancy having occurred. He had previously claimed it under charters from abbot Warner, of St. Martin.] Utebatur ergo Alanus institutione propria, nec ad renuntiandum injustæ possessioni aliquatenus consensit. Redeunt interea de transmarinis nuntii abbatis, præceptum regium ad justicias deferentes, quo super ecclesia de Mendlesham abbati de Bello justitiæ plenitudo exhibeatur. Dies locusque apud Wintoniam regia auctoritate abbati et Alano statuitur, ut ad unius actionem, alteriusque objectionem, veritatis plenior fieret inquisitio. Actum est hoc auctoritate regia, ad nullius tamen ecclesiastici juris dignitatisve detrimentum, quippe cum hoc solum curia regia duceret inquirendum, cujus præsentatione idem Alanus in ecclesiam de Mendlesham in fundo regio sitam, a prædecessoribus ipsius domini regis, et se monasterio de Bello concessam et confirmatam, fuerit institutus. Constabat enim eum nullius nisi aut domini regis, tanquam domini fundi, aut monachorum de Bello,

[1] Chron. Mon. de Bello, 125 (Ang. Chris. Soc.). See *ante*, p. 174, note.

quibus ipsa ecclesia regia largitione assignata esse dinoscitur, institui debere præsentatione. Adest die et loco determinato superstes adhuc, cujus superius facta est mentio, Robertus Philosophus vices abbatis illic adversus Alanum ibidem tunc etiam præsentem executurus. Quo in præsentia justiciarum jus monasterii Sancti Martini de Bello exponente, et super Alani invasionem conquerente, Alanus renitens, cartas quas abbatis Warnerii nomine prænotatas memoravimus prætendit, seque ex ipsius abbatis dum adhuc viveret consensu illic admissum esse asseruit. Licet igitur diligenter intuentibus palam esset cartas ipsas notam falsitatis habere, erat tamen omnium qui aderant unanime consilium et persuasio, ut hinc inde potius ducerent componendum quam litigandum. Consilio et voluntati persuadentium pars utraque consentit, sicque ab arbitris datur hujusmodi forma compositionis, quatinus scilicet Alanus toti juri quod in ecclesia de Mendlesham se habere fatebatur sponte renuntians, cartas memoratas quibus partem suam tueri nitebatur in manus abbatis resignaret. Cujus sic gratiam adeptus, solam ecclesiam de Brantham quam, ut prædiximus, minus canonice assecutus est, ex qua pensio X. solidorum pro antiqua consuetudine solvebatur, sub annua pensione unius aurei monasterio Sancti Martini de Bello solvenda, nomine ipsius monasterii quoad viveret teneret, et sic lis omnis et controversia conquiesceret.

Omnibus hanc compositionis formam probantibus, partibusque hinc inde consentientibus, dies locusque apud Cantuariam statuitur, quo coram justiciis abbas in persona propria, et Alanus confirmandæ compositionis formatæ gratia conveniant. Abbate die et loco denominato coram justiciis apparente, Alanus nec comparens nec excusatorem dirigens, omnium judicio misericordiæ regis

addicitur, postmodum vero dies locusque apud Londonias conveniendi, remque confirmandi utrique parti iterato præfigitur. Assunt denique hinc inde ad diem et locum, ubi totius rei serie et compositionis forma in justiciarum domini regis et aliorum quamplurium audientia plenius exposita, Alanus cartas memoratas in manus abbatis resignavit, sicque cartam abbatis de sola ecclesia de Brantham nomine monasterii de Bello tenenda sub pensione unius aurei annuatim solvenda suscepit.

Alan having subsequently sought to have his brother, Roger de Bellafago, instituted into the church at Brantham, to hold of the abbot, the abbot consents. Alan now comes before the king's justices and barons in the Exchequer, and renounces for ever his claim upon the churches at Brantham, Mendlesham, and Branford, and the rest of the dowry churches.

[Case of Henry of Essex. Before 1163.][1]

[The defendant being accused of rape upon a girl, objects successfully (*semble*) to trial therefor except in his own court, on the ground that the girl was born in his demesne.]

Processu vero temporis, cum in curia Sancti Ædmundi ageretur causa de raptu cujusdam virginis, accessit idem Henricus [de Esexia] protestans et asserens, loquelam illam in curia sua debere tractari ratione nativitatis ejusdem puelle, que in dominio suo de Lailand nata fuerat. Cujus rationis pretextu, curiam Sancti Ædmundi in itineribus et innumerabilibus expensis longo temporis tractu vexare presumpsit.

[1] Chron. Joc. de Brakel. 51 (Camden Soc.).

[Prior of Hospital of Jerusalem v. Abbot Hamlin.][1]

[Record of composition of a litigation concerning property in the possession of the defendant, and claimed by the plaintiff.]

Hillarius, Dei gratia Cycestrensis episcopus, omnibus Matris Ecclesiæ filiis ad quos carta ista pervenerit, salutem. Nullus erit litium finis si res semel terminata recte iteratis refragationibus perturbetur. Papa siquidem Alexander causam, quæ inter monasterium beati Petri Gloucestriæ et hospitalem domum Jerosolomitanam super ecclesia Quenintone vertebatur, mihi cognoscendam terminandamque delegavit.

Causa autem hæc erat. Abbas et monachi ipsius monasterii quiete et sine alicujus reclamatione duas garbas decimarum dominii, et unam virgatam terræ in eadem villa possidebant. Ecclesiam quoque ipsius loci cum suis pertinentiis asserebant prior et fratres prædicti hospitalis eos injuste occupasse, et contra justitiam detinere. Post multas itaque hinc inde allegationes, controversiam ipsam, utriusque partis assensu, in hunc modum amicali compositione terminavimus. Præfata domus hospitalis tenebit jam dictam ecclesiam cum duabus garbis dominii et virgata terræ in perpetuum nomine monasterii, et ei annuatim inde nomine census duas marcas argenti persolvet. Verumtamen veniente Roberto clerico, nunc ejusdem ecclesiæ persona, prior hospitalis, qui pro tempore fuit, unam dimidiam dumtaxat marcam argenti annuatim monasterio solvet, quam a Roberto annuatim percipiet, nihil amplius ab eo nomine ecclesiæ vel supradictæ decimæ sive virgatæ terræ petiturus. Quod si domus hospitalis huic transactioni non steterit, monasterio licebit ecclesiæ et aliorum

[1] 2 Chron. Mon. Glouc. 93 (Rec. Com.).

supradictorum possessionem propria auctoritate ingredi, et sibi retinere. Testibus. [Names not given.]

[The following confirmation by the archbishop of Canterbury is given directly after the above :—]

T.[1] Dei gratia Cantuariensis archiepiscopus, Anglorum primas, et Apostolicæ Sedis legatus, omnibus Sanctæ Matris Ecclesiæ fidelibus ad quos carta ista pervenerit, salutem. Quia controversia quæ inter monasterium beati Petri Gloucestriæ et hospitalem domum Jerosolomitanam super ecclesia Quenintone vertebatur, amicabili compositione interveniente sopita est, ne succedente tempore in dubium revocari possit, nos eam scripto nostro inposterum notitiam deducere decrevimus, eam ratam habentes et sigilli nostri munimine confirmantes, sicut carta venerabilis fratris nostri episcopi Cycestrensis in præsentia ipsius episcopi compositionem illam factam esse testatur. Valete.

[Robert of Laking et al. v. Scaliger.][2]

[The defendant being about to appoint the church his "heir" as to his houses, the plaintiffs set up a claim to the same by inheritance. The claim is tried in the common hallmoot of Abingdon, judgment being given in favour of the defendant.]

Ricardo[3] adhuc persuadente, quidam Scalegrai vulgariter nominatus, de domibus suis ecclesiam hæredem facere cogitavit. Quod cum duo ejus propinqui audirent,

[1] Thomas à Becket or Theobald.
[2] 2 Hist. Mon. Abingd. 205 (Rec. Com.).
[3] Abbot of Abingdon.

Robertus videlicet de Lakinge et alius quidam Robertus, hæreditariam super domos illas calumniam moverunt. Quæ causa in communi hallimot ad hoc tandem perducta est, ut uterque calumniator, quia ibi nihil juris habebat, vacuus a spe sua, ut justum erat, recederet. Sicque prædictus Scalegrai domos suas voluntarie huic ecclesiæ donavit.

[Monks of Abingdon.][1]

[The king's writ of novel disseisin in favour of the monks of Abingdon as to lands at C.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Rialfo Suessione, salutem. Si monachi de Abbendonia sunt dissaisiati injuste et sine judicio de terra Nigelli de Colebroc quam clamant, tunc præcipio quod juste et sine dilatione eas inde resaisias, sicut inde saisati fuerunt tempore regis Henrici, avi mei; et nisi feceris, justitia vel vicecomes meus faciat fieri. Teste Willelmo filio Johannis; apud Wdestocam.

Observe here the nearly perfectly developed writ of novel disseisin.

[Abbot and Monks of Gloucester.][2]

[The king's writ directing the protection of the abbot and monks of Gloucester in the charity of C.]

Henricus, rex Angliæ et dux Normanniæ et Aquitanniæ

[1] 2 Hist. Mon. Abingd. 224 (Rec. Com.).
[2] 1 Chron. Mon. Glouc. 240 (Rec. Com.).

et comes Andegaviæ Jordano de Sanforde, salutem. Præcipio quod juste manuteneas abbatem et monachos Gloucestriæ de elemosina mea et antecessorum meorum de Chelesworthe quam Henricus rex avus meus eis confirmat carta sua, nec permittas quod aliquis eis injuriam faciat, vel contumeliam contra cartam regis Henrici avi mei et tuam; et nisi feceris vicecomes de Wiltesyra faciat. Teste Symone filio Petri apud Northamptoniam.

[ABBOT AND MONKS OF GLOUCESTER.][1]

[The king's writ directing that the abbot and monks of Gloucester be put in possession of certain mills.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aquitanniæ et comes Andegaviæ, H. comiti Cestriæ et M. comitissæ, salutem. Præcipio quod sine dilatione et juste faciatis habere abbati et monachis de Gloucestria[2] quos comes Ranulfus eis dedit in molendinis de Olneyo et de Taddeswelle, sicut carta sua testatur. Et displicet mihi quod hoc non fecistis, sicut præcepi per alia brevia mea. Et nisi feceritis, vicecomes meus vel justiciarius faciat, ne inde clamorem amplius audiam pro penuria recti.

The writ appears to have been disobeyed. See the following writ.

[SAME PARTIES.][3]

[*Alias* writ.]

HENRICUS, dux Normanniæ et Aquitanniæ et comes

[1] 1 Chron. Mon. Glouc. 241 (Rec. Com.).

[2] An evident omission here. The next writ *infra* shows that "molendinos" is the omitted word.

[3] 1 Chron. Mon. Glouc. 241 (Rec. Com.).

Andegaviæ, Eustachio filio Johannis et Jocelino Castellano Fruarii, salutem. Mando vobis et præcipio quod sicut me diligitis monachis Gloucestriæ habere faciatis omnia quæ de jure eorum sunt apud vos, et nominatim quoddam molendinum suum apud Olneyam ex dono Ranulphi comitis Cestriæ pro XL. solidis, et aliud molendinum apud Taddewelle ex dono Aliz sororis ejusdem comitis pro anima Ricardi filii Gileberti viri sui, et terram suam apud Coleby, ne auxilii vestri penuria monachi prædicti omittant. Hiis testibus. [Names not given.]

[Abbot of Gloucester.][1]

[The king's writ in favour of the abbot of Gloucester in respect of customs and services claimed against him.]

Henricus, Dei gratia rex Angliæ et dux Normanniæ et comes Andegaviæ, Adæ de Port, salutem. Prohibeo tibi ne injuste vexes, vel vexari permittas, abbatem Gloucestriæ de libero tenemento suo de Litletone, nec ab eo inde exigas, vel exigi permittas, consuetudines vel servitia quæ inde facere non debeat vel solebat, nec ullam ei inde injuriam vel molestiam facias aut gravamen. Et nisi feceris vicecomes de Suthamptesyra faciat, ne inde amplius clamorem audiam pro defectu recti vel justitiæ. Teste etc. [Name not given.]

[1] 1 Chron. Mon. Glouc. 388 (Rec. Com.).

[ABBOT AND MONKS OF GLOUCESTER.][1]

[The king's writ directing respect for the liberties of Gloucester.]

HENRICUS,[2] rex Angliæ, et dux Normanniæ et Aquitanniæ, et comes Andegaviæ, omnibus burgensibus et ministris suis Gloucestriæ, salutem. Præcipio quod abbas et monachi Gloucestriæ habeant infra burgum Gloucestriæ, et extra, omnes libertates, et liberas consuetudines, et quietantias suas, ita bene et in pace, et libere et integre, et juste, sicut eas unquam melius et liberius et integrius habuerunt tempore regis Henrici avi mei. Quod nisi feceritis, justitia mea faciat fieri. Teste Mansero Biseth, dapifero; apud Fufceham.

[ABBOT AND MONKS OF GLOUCESTER.][3]

[The king's writ directing protection of the abbot and monks of Gloucester in the use of a watercourse.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, vicecomitibus et præpositis, et ballivis, et hominibus de Gloucestria, salutem. Præcipio quod abbas et monachi de Gloucestria habeant et teneant aquam quæ currit per abbatiam suam, bene et in pace, et juste et integre, sicut habuerunt melius tempore Henrici regis, avi mei. Et prohibeo ne quis disturbet cursum illius aquæ, desicut ivit tempore Henrici regis, avi mei, super X. libris forisfacturæ. Teste. [No name.]

[A writ to the same effect follows by king Stephen. The following, also by Henry II., seems to relate to the same watercourse :—]

Henricus[4] rex Angliæ et dux Normanniæ et Aquita-

[1] 1 Chron. Mon. Glouc. 154 (Rec. Com.).

[2] Illumination of initial letter, representing the king on his throne, and a monk kneeling before him and receiving the writ. Note by editor of Rolls ed.

[3] 1 Chron. Mon. Glouc. 154 (Rec. Com.).

[4] Ib. 155.

niæ, et comes Andegaviæ, vicecomitibus, et ministris, et burgensibus suis de Gloucestria, salutem. Concedo et confirmo abbati et monachis Sancti Petri Gloucestriæ aquam de Fulebroke quæ currit per abbatiam suam totam liberam et quietam. Quare volo et præcipio ne quis ejusdem cursum aquæ retardare, vel distrahere, vel ipsis monachis inde injuriam facere præsumat, super X. libris forisfacturæ. Hiis testibus. [No names given.]

[ABBOT OF GLOUCESTER v. MEN OF GLOUCESTER.][1]

[The king's writ commanding the defendant to render the customary service to the plaintiff.]

HENRICUS, rex Angliæ, dux Normanniæ et Aquitaniæ, et comes Andegaviæ, burgensibus abbatis Gloucestriæ de Gloucestria, salutem. Præcipio vobis quod reddatis abbati Gloucestriæ, de terris quas de ipso tenetis, omnes consuetudines et rectitudines quas inde solebatis reddere tempore avi mei regis Henrici: quia de illis quæ ad jus ecclesiæ pertinent, nullam quietudinem vobis concessi. Hiis testibus. [No names given.]

[MONKS OF GLOUCESTER.][2]

[The king's writ directing his officers to protect the monks of Gloucester in the possession of a certain wood.]

HENRICUS, Dei gratia rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, justiciariis et vice-

[1] 1 Chron. Mon. Glouc. 189 (Rec. Com.). [2] 2 Ib 141.

comitibus et ballivis suis de Gloucestresira, salutem. Præcipio vobis, quod non permittatis monachos Gloucestriæ vexari de bosco suo villæ suæ de Tuffeleya, nec boscum illud ab aliquo vastari, nec aliquam violentiam aut molestiam vel injuriam eis inde fieri. Et prohibeo ne quis in ea fuget, vel leporem capiat, sine eorum licentia, super decem libras forisfacturæ. Teste Mansero Biset dapifero apud Wyntoniam.

[ABBOT AND MONKS OF GLOUCESTER.][1]

[The king's writ directing that the abbot and monks of Gloucester hold in peace their essarts of M. and H.]

HENRICUS, rex Angliæ et dux Normanniæ et Aquitanniæ et comes Andegaviæ, vicecomiti de Gloucestria et ministris suis, salutem. Præcipio quod abbas et monachi de Gloucestria teneant et habeant in pace essarta sua de Mayesmora et de Hardepyre.

[MONKS OF GLOUCESTER.][2]

[The king's writ directing that the monks of Gloucester have possession of all their lands, churches, and tithes.]

HENRICUS, rex Angliæ, dux Normanniæ et Aquitaniæ, et comes Andegaviæ, Willelmo, Dei gratia Norwicensi episcopo, et Hugoni comiti de Norfolchia, salutem. Mando vobis, et præcipio, et diligenter precor, quatinus

[1] 1 Chron. Mon. Glouc. 268 (Rec. Com.). [2] 2 Ib. 34.

monachis Gloucestriæ habere faciatis omnes terras et ecclesias et decimas ecclesiæ Sancti Petri Gloucestriæ pertinentes, quæ apud vos sunt, ne aliquid in partibus vestris auxilii vestri vel justitiæ penuria amittant. Testibus comite Herefordiæ et Manaser Biseth apud Gloucestriam.

[Abbot and Monks of Gloucester.][1]

[The king's writ directing protection of the abbot and monks of Gloucester in the possession of a fishery at B.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, R. comiti Herefordiæ et omnibus ministris suis Gloucestriæ et Herefordiæ, salutem. Præcipio quod permittatis abbatem et monachos Gloucestriæ facere et habere, bene, et in pace, et juste, piscariam suam de Bramptona in eodem loco ubi fuit tempore regis Henrici avi mei; nec inde eos disturbetis, nec aliquam eis injuriam vel contumeliam faciatis. Teste Reginaldo comite Cornubiæ apud Notingham.

[Abbot and Monks of Gloucester.][2]

[The king's writ directing protection of the abbot and monks of Gloucester in their liberties.]

Henricus, rex Angliæ, et dux Normanniæ et Aquitaniæ, et comes Andegaviæ, vicecomiti de Herefordsyra, salutem. Præcipio quod juste deducas abbatem et monachos

[1] 2 Chron. Mon. Glouc. 73 (Rec. Com.). [2] Ib. 247.

Gloucestriæ de una hyda terræ de la Hyde quam tenent. Et prohibeo ne ipsi inde injuste vexentur, vel in placitum ponantur, aut in aliquas consuetudines quas facere non solebant tempore regis Henrici avi mei. Et nisi feceris, justitia mea faciat, ne amplius inde clamorem audiam pro penuria recti. Teste Widone decano apud Gloucestriam.

[MONKS AND MEN OF GLOUCESTER. 1154—1164.][1]

The king's writ directing that the monks of Gloucester and their men be exempt from toll, customs, and passage.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aquitanniæ, et comes Andegaviæ, justiciariis, vicecomitibus, et ministris suis, Francis et Anglis, salutem. Præcipio quod monachi Gloucestriæ et proprii homines eorum sint quieti, ubicunque transfretaverint, vel fuerint, in terra mea, et victus, et corredium, et res ubicunque emerint vel vendiderint ad opus suum proprium, ab omni theloneo, et consuetudine, et passagio. Et prohibeo ne quis eos disturbet super decem libras forisfacturæ. Teste Thoma cancellario apud Gloucestriam.

[MONKS OF GLOUCESTER. 1154—1164.][2]

[The king's writ exempting lands from certain dues.]

HENRICUS, rex Angliæ, et dux Normanniæ et Aqui-

[1] 2 Chron. Mon. Glouc. 133 (Rec. Com.).

[2] Ib.

tanniæ, et comes Andegaviæ, vicecomitibus suis et ministris, salutem. Præcipio quod tota terra monachorum Gloucestriæ sit libera et quieta de cariagio meo, et summagio, et conductu, et omnibus operationibus meis. Teste Thoma cancellario.

[Rainald v. Abbot of Gloucester.][1]

[Offer of proof by the earl of Hereford, in favour of the defendant as to land at R.]

Henrico, regi Angliæ, duci Normanniæ et Aquitaniæ, et comiti Andegaviæ, domino suo carissimo, Rogerus comes Herefordiæ, salutem. Sciatis quod ego, et totum hundredum in quo est terra de Rugge, quam Rainaldus de Sancto Walarico calumniatur versus abbatem Gloucestriæ, testificamur, et probare parati sumus, ubi et quando vobis placuerit, et sicut justum fuerit, eandem terram esse membrum villæ de Stanedis, quæ est de abbatia Gloucestriæ, et respondisse semper ab antiquo de consuetudinibus regalibus sicut membrum ejusdem villæ. Unde juste videtur, si vobis placet, ut idem abbas habeat inde curiam suam, vel placitum ante justitiam vestram sit in provincia, ubi rei veritas poterit inquiri per comitatum. Valete.

[The above is not to be confounded with the return of an inquisition, but is to be considered as a mere petition, upon assertion and offer of proof.

The following record of an inquisition of the reign of Henry III. shows the nature of such a proceeding :—][2]

Gilbertus de Clare, comes Gloucestriæ et Herefordiæ,

[1] 2 Chron. Mon. Glouc. 98 (Rec. Com.). [2] Ib. 26.

dilecto et fideli suo Galfrido de Mores senescallo honoris Gloucestriæ, salutem. Mandamus vobis, quod per liberos et legales homines de foresta nostra de Cors diligenter inquiratis utrum abbas Gloucestriæ sectam consuevit facere ad curiam nostram de Wodeleyestile pro tenemento suo de Mayesmore tempore bonæ memoriæ R. de Clare quondam patris nostri, et utrum canes dicti abbatis et hominum suorum de Mayesmore, Hardepire, et Ledene, solebant expeditari, et si dictus abbas capere poterit temporibus retroactis quod voluerat de bosco dictorum maneriorum suorum absque visu ballivorum nostrorum; et quid inde inveneritis nobis sub sigillo vestro et sigillis eorum per quos facta fuerit inquisitio constare faciatis.

[Return:] Inquisitio facta in plena curia de Cors, coram Galfrido de Mores senescallo, die sabbati proxima ante clausum Paschæ, anno quinquagesimo secundo [regis Henrici III.] de secta abbatis Gloucestriæ, et de expeditatione canum suorum et tenentium suorum, per sacramentum Henrici de Cors, Walteri de Marisco, Roberti Roscelyn, Ricardi Thoky, et cæterorum, qui dicunt per sacramentum suum quod abbas Gloucestriæ nunquam consuevit facere sectam ad curiam de Wodeleyestile pro tenemento suo de Mayesmore tempore bonæ memoriæ R. de Clare patris Gilberti de Clare nunc comitis, nec canes dicti abbatis, nec hominum suorum de Mayesmore, de Hardepire, de Ledene, non solebant expeditari temporibus retroactis. Et dictus abbas capere potuit temporibus retroactis quod voluerat de boscis dictorum maneriorum suorum absque visu ballivorum domini comitis.

[Case of Ailward.][1]

[Ailward breaks into a neighbour's house, in the owner's absence, to collect payment of a debt. Being discovered, he flees, and is caught by his debtor and bound as a "fur manifestus." The amount of the debt being small, the debtor, on suggestion of a public accuser or summoner, named Fulc, adds other criminal charges, so as to subject the defendant to mutilation. After imprisonment for a considerable time before judgment, he is finally adjudged to undergo the ordeal of water. He is convicted and mutilated.]

Ailwardo vicinus tenebatur in nummo; quem cum repeteret, et ille solvere recusaret, motus ira domum debitoris, quam sera exterius dependente ad tabernam digressus obfirmaverat, irrumpens, seram in pignus avulsit, arreptaque simul cote apposita tecto casæ, cum terebro chirothecisque, discessit. Nuntiatum est autem a pueris, qui infra domum ludebant inclusi, patrifamilias, quia confracta domo, supellectilique direpta, raptor abscederet. Qui insecutus eum comprehendit, et cotem a manu bajulantis extorquens caput vulneravit. Extractoque cultello brachium transfigens, eum quasi furem manifestum cum concepto furto reductum ligavit in domo quam fregerat. Concurrente autem turba, cum apparitore Fulcone, quia res furtiva pretii unius nummi hominem non mutilat, suggestum est ab apparitore ut furtum rebus aliis, quasi furtivis, augeret; quod et factum est. Posita est itaque juxta ligatum sarcinula pellium, lænæ, lintei, togæ, cum ferramento quod volgonium vulgus appellat. Postera die ad cognitionem Ricardi cujusdam vicecomitis militumque comitatus cum prædicta sarcinula ductus est, quæ et collo ejus appensa est. Ne autem de re dubia præcipi-

[1] Miracula S. Thomæ, 156 (Rec. Com. Materials for history of archb. Becket).

taretur sententia, in publica custodia Bedeford suspenso judicio per mensem tentus est. . . . Factum est autem ut convenientibus ad vicum Legtune magistratibus reus eo ducaretur. Ubi cum impetitore suo Fulcone monomachiam inire aut judicium ignis subire postulavit; sed annuente Fulcone apparitore, qui ob id ipsum bovum acceperat, judicio aquæ adjudicatus est, ne quoquo modo evadere posset. Inde Bedeford reductus, in carcere mensem exegit. Quo convenientibus judicibus, cum judicio aquæ traderetur examinandus, damnationis suæ tristem excepit sententiam, eductusque ad locum supplicii, oculis effossis et virilibus abscisis mutilatus est, quæ multitudine vidente plebis terræ infossa sunt.

The chronicler proceeds to relate the miraculous recovery of Ailward through the intervention of St. Thomas (à Becket).

[ABBOT WILLIAM *v.* JOHN, THE MERCER, AND RICHARD, SON OF EDITH.] [1]

[The plaintiff claims a curtilage in London by grant of W., alleging that it had been illegally occupied by the defendants. The king's writ directs that the question be decided by inquisition. The defendants, summoned thrice to the Court of Hustings, make default, and the plaintiff recovers by the finding of fourteen men.]

GUALERANNUS filius Ranulfi dedit Deo et ecclesiæ Sancti Stephani de Cadomo, unam mansionem terræ infra Londoniam, quæ fuit Liefredi Angli, sitam in Wodestrata, prope ecclesiam Sancti Petri, quietam de gelt et de escot et de omni alia consuetudine, quam Guarinus Bucherell

[1] 2 Palgrave, Commonwealth, 181. From a Chartulary of the Abbey of Caen.

et hæredes sui, longo tempore de prædicto Sancto Stephano tenuerunt. Verumtamen in diebus eorum, quædam pars terræ prædictæ mansionis, subtracta fuit et separata cum dolo. Johannes autem filius Nicholai, mercennarius de Londonia hanc prædictam terram de mansione Sancti Stephani separatam atque subtractam, quæ latitudinem duodecim pedum habet in fronte, liberavit Ricardo filio Edithæ quasi ad feodalem firmam, in tempore persecutionis quæ fuit sub rege Stephano. Quo mortuo, Henricus dux Normanniæ et Aquitaniæ, regnum Angliæ, Deo annuente, adeptus est, qui a Deo constitutus est rex gloriosus et fortis. Sub quo, Willielmus abbas rexit Cadumensem ecclesiam. Qui audiens hanc divisionem factam, illo nesciente, de terra Sancti Stephani, venit Londoniam, cum scriptis et munitionibus regis Henrici, ad comitem Legecestriæ et Umfredum Bocointa, vicecomitem Londoniæ. Quibus rex Henricus mandabat, quod ipsi, de civibus civitatis Londoniæ veritatem audirent, consilio Hustingi, per sacramenta legalium hominum, de terra Sancti Stephani de Cadomo; vocatisque illis qui terram tenuerant, si venirent . . . si venire noluerint, veritatem audirent. Qui audientes mandatum regis, miserunt primo et secundo usque ad tertium, ad Johannem et Ricardum qui terram tenuerant, quod venirent in Hustingo audire mandatum regis, et veritatem et judicium, de terra Sancti Stephani, quam tenuerant; qui divertentes, neque ad primum, neque ad secundum, neque ad tertium venerunt Hustingum. Justicia vero et qui aderant, hoc videntes, fecerunt mandatum regis. Et per commune consilium de Hustingo secundum præceptum regis, elegerunt quatuordecim viros de civibus civitatis Londoniæ qui juraverunt. Et per sacramentum et per recor-

dacionem juramenti eorum, Sanctus Stephanus habuit totam suam mansionem cum prædicta parte, lata duodecim pedum, quam Johannes et Ricardus filius Edithæ tenuerant. Hæc sunt nomina illorum qui juraverunt in Hustingo, divisam de terra Sancti Stephani, quæ est in Lundoniam in Wodestreta. Martinus cartarius, Odo corduanarius, Terricus Bolloc, Serlo de Cadomo, Willielmus Toyri, Stephanus mercennarius, Engelramus Cobba, Albertus Loremarius, Nicholaus Lefranceis, Rainerus Wardus, Albricus de Domo Petri, Willielmus Garlec, Johannes Toyri, Radulphus frater Hervici.

Isti quatuor, Martinus, Odo, Terricus, et Serlo, juràverunt; reliquos vero decem, quietavit Willielmus abbas, qui parati erant jurare.

Et hæc sunt nomina eorum, in quorum præsentia juraverunt. Umfredus Bocointa, vicecomes Londoniæ, Geufridus frater ejus, Willielmus filius Ailwardi, halderman; Robertus Pulcher, halderman; Fromundus, halderman; Henricus filius Ailwini,[1] halderman; Petrus filius Walteri, halderman; Willielmus, camerarius, Robertus filius ejus, Johannes Bocointa, Geufridus Bocointa, Radulfus de Wodestreta, Symond de Haverhulla, Petrus filius Alveredi de Windesora, Petrus filius Meillesme, Hervicus de Torreneio, Robertus Neulerius, Geufridus aurifaber filius Willielmi, Everardus frater ejus, Willielmus de Ely, Willielmus de Rothomago, Rainerius de Valentiis. Et ex parte abbatis sunt hii testes. Rogerius de Montenneio, Willielmus Manchon, Geufridus camerarius, Ricardus de Dovra filius Rainaldi, Haymeric filius Quintini, Johannes filius Geroldi, Eustachius de Ros.

[1] Henry Fitz-Ailwin, the first lord mayor of London.

[MONKS OF BUILDEWAS *v.* MEN OF SHERIFF OF SALOP.][1]

[The king's writ ordering the sheriff and bailiffs of Salop to compel their men to restore the manor of L. to the plaintiffs.]

H. rex Angliæ et dux Normanniæ et Aquitaniæ et comes Andegaviæ vicecomiti et baillivis suis de Salopesira salutem. Præcipio vobis quod justicietis homines qui sunt in bailliva vestra, quod ipsi juste et sine dilatione reddant monachis de Bildewas Lecheshambre quod Ricardus episcopus Coventriensis eis dedit et carta sua confirmavit sicut reddere solebant tempore regis Henrici avi mei. Teste Gaufrido archidiacono Cantuariensi. Apud Lichesf.

CONCORDS.

[PHILIP OF MATTESDON *v.* ABBOT HAMLIN. 1158.][2]

SCIANT præsentes et futuri, quod loquela quæ fuerat inter Hamelinum abbatem Gloucestriæ et Philippum de Mattesdone super terra de Burifende utriusque partis assensu finita est in hunc modum, quod Philippus, pro se et suis hæredibus, decem acras terræ in cultura quæ dicitur Wydebosme, et duas acras prati in Suthmede, totamque dimisit inperpetuum, et quietam clamavit quam adversus ecclesiam Gloucestriæ calumniam de hac, et de aliis quibuscunque rebus habuerat. Abbas autem et conventus reliquam partem ipsius terræ, quam ante Philippus sine ipsorum concessione tenuerat, concesserunt

[1] 5 Monasticon, 358 (1846).

[2] 2 Chron. Mon. Glouc. 180 (Rec. Com.).

ei; tenendam hæreditario jure sub tali servitio, quod ipse Philippus, et hæredes ejus post ipsum, equis propriis et sumptibus, ecclesiæ tria servitia facient per annum intra regnum Angliæ, ubi necesse fuerit parati; et ad alias ecclesiæ necessitates, sicut alii ejus liberi homines. Hujus vero rei gratia, facto prius homagio abbati, et jurata fidelitate ecclesiæ et monachis in capitulo, concessam ex utraque parte conventionem hanc, Philippus postea, manu propria, altare Sancti Petri superposita roboravit, anno ab Incarnatione Domini millesimo CLVIII., XI. kalendas Martii.

Hiis interfuerunt tam in capitulo quam in ecclesia, Alexander Pincerna, Radulphus frater Philippi, Herbertus janitor, Morinus dispensator, Rogerus Baselei, Galfridus Gernon, Willelmus de Muntric, Johannes de Mareis, Robertus de Herefordia, Rainaldus cocus, Cadmor et Godefridus, et Rogerus Burel et alii.

This fine is twenty years older than the one given by Mr. Hunter as the earliest fine of lands which he had seen. Fines, Pref. p. x. But in the form of concords, fines were common throughout the Anglo-Saxon and Norman periods.

[WILLIAM RUFUS *v.* RICHARD, A PRIEST.][1]

HÆC conventio facta est inter Ricardum sacerdotum de Wellewa, et Willelmum Ruffum, fratrem suum, in præsentia domini sui venerabilis abbatis Hamelini, et ejus conventus Gloucestriæ; de quadam hyda quam prædictus Ricardus tenet de abbate prædicto in Aldesworthe, quam prædictus Willelmus calumniatus fuit erga ipsum Ricar-

[1] 1 Chron. Mon. Glouc. 155 (Rec. Com.).

dum ; pro qua calumnia Ricardus dedit Willelmo prædicto medietatem marcæ argenti, et mediam virgatam terræ, eodem servitio quo ipse Ricardus totam hydam deservit apud dominum prædictum, quantum ad tenuram prædicti Willelmi pertinet. Hanc conventionem tenendam, Willelmus Ruffus prædictus affirmavit, et Reginaldus filius suus, tactis evangeliis sacramento, quod ipsi, neque hæredes illorum de hæreditate quæ fuit Rodrici de Aldesworthe apud Ricardum prædictum, nec hæredes suos, arte, nec ingenio, amplius non peterent. Hoc autem est apud Gloucestriam. Hiis testibus. [Names not given.]

[William of Berkeley *v.* Abbot Thomas. 1182.][1]

Hæc est finalis concordia facta inter Thomam abbatem et conventum Sancti Petri Gloucestriæ et Willelmum de Berkelay de pastura quam idem Willelmus clamabat adversus prædictos abbatem et monachos in bosco de parva Cuthberleya.

Convenit inter eos, coram justiciariis domini regis, videlicet Thoma filio Bernardi, Alano de Furnelle, Roberto de Wythefelde, et coram Willelmo filio Stephani tunc vicecomite, anno ab Incarnatione Domini millesimo cestesimo octogesimo secundo, mense Martio, apud Gloucestriam, præsente comitatu de Gloucestria, quod prænominatus Willelmus, pro quatuor marcis argenti, renunciavit toti juri suo quod clamaverat in prædicto bosco. Et ut certior fieret hæc conventio et firmior in

[1] 1 Chron. Mon. Glouc. 234 (Rec. Com.).

futurum, eam præsenti scripto annotatam posteriorum memoriæ reservaverunt. Super hoc etiam ne jam sæpedictus Willelmus vel aliquis suorum adversus abbatiam Sancti Petri possit hanc calumniam invocare, cyrographum scripti inter se diviserunt, appenso sigillo Willelmi filii Stephani vicecomitis illi parti cyrographi quam abbas et monachi penes se retinuerunt, et sigillo ejusdem Willelmi de Berkeleye ad perpetuum hujus conventionis munimen.

[Juliana and Robert v. Prior and Monks of Roffa. 1182.][1]

Hæc est finalis concordia facta in curia domini regis apud Westmonasterium ad Scaccarium, in festo Sancti Michaelis anno vicesimo nono regni regis Henrici secundi die dominica proxima ante festum Omnium Sanctorum, coram R. Wintoniensi, et G. Eliensi, et J. Norwicensi, episcopis, et Godefrido de Lucy, et Ricardo thesaurario, et Rogero filio Remfridi, et Willelmo Basset, et Rannulfo de Geddyng, et Roberto de Wytefeld, et Michaele Belet, et aliis baronibus domini regis ibi tunc præsentibus; inter priorem et monachos de Roffa, et Julianam filiam Fulconis de Neweham et Robertum de Champeynes filium ipsius Julianæ, de advocatione ecclesiæ de Northtone; unde recognitio summonita fuit inter eos in curia domini regis; scilicet quod prædicta Juliana et Robertus filius suus dederunt et concesserunt prædicto priori et monachis advocationem prædictæ ecclesiæ de Northtone, et concesserunt advocationem quam Fulco pater prædictæ Julianæ eis fecit de præfata ecclesia.

[1] Madox, Hist. Exch. 57 (fol. ed.).

PROCEEDINGS OF THE EXCHEQUER.

[Robert de Ross. 6 Hen. II.][1]

Robertus de Ross debet D. et XXXIII. l. et VI. s. et VIIII. d. Sed sunt in respectu donec rex redeat in Angliam; per breve regis de ultra mare.

[Fugitives. 12 Hen. II.][2]

Idem vicecomes reddit compotum de catallis fugitivorum et eorum qui perierunt in judicio aquæ.

[Adam Son of Aluric. 12 Hen. II.][3]

Adam filius Alurici reddit compotum de C. marcis, ut habeat recordum curiæ regis de placito inter ipsum et Agnetem de Riburc.

[Hugh de Kirketon. 12 Hen. II.][4]

Hugo de Kirketon debet I. marcam, quia absentavit se de duello.

[William de Ottrinkeham. 12 Hen. II.][5]

Willelmus de Ottrinkeham debet II. marcas, pro defectu prosequendi loquelam suam.

[1] Madox, Hist. Exch. 58 (fol. ed.). [2] Ib. 235. [3] Ib. 296. [4] Ib. 382. [5] Ib. 383.

[BRUFORD. 14 HEN. II.][1]

Bruford reddidit compotum de X. marcis, pro receptione cujusdam utlagati celata et postea recognita; in perdonis, per breve Ricardi de Luci per breve regis de ultra mare, Hugoni de Laci X. marcæ, et quietus est.

[ROBERT DE HASTING. 14 HEN. II.][2]

Robertus de Hasting reddit compotum de C. et VI. s. et VIII. d., ut placitum quod fuit inter eum et Radulfum Moin differatur usque ad Scaccarium.

The following like entry appears of the next year:—"Robertus de Hasting reddit compotum de LIIII. s. et IIII. d., ut placitum quod fuit inter eum et Radulfum Moin differatur usque ad Scaccarium."

[REIMUND DE BALDAC. 14 HEN. II.][3]

Reimundus de Baldac debet XX. marcas, pro appellatione Walteri probatoris de falsonaria.

[RALPH DE FERRARIIS. 14 HEN. II.][4]

Radulfus de Ferrariis debet X. marcas, pro festinando judicio suo de Ricardo Fabro, qui eum et homines suos appellavit de cervo quem eos capere vidit, et postea se inde retraxit.

[1] Madox, Hist. Exch. 58 (fol. ed.). [2] Ib. 142.
[3] Ib. 296. [4] Ib. 308.

[MICHAEL DE SPIKESWICK. 14 HEN. II.][1]

Michael de Spikeswic reddit compotum de XL. s., quia non habuit hominem coram justicia quem plegiaverat.

[WALTER PALMER. 14 HEN. II.][2]

Walterus Palmer debet XX. marcas, quia plegiavit Willelmum Walwein, et non habuit coram justicia.

[SHEFTBURY HUNDRED. 14 HEN. II.][3]

Idem vicecomes reddit compotum de VIII. l., de Sheftbera hundredo, et Blachetoriton, et Framiton, pro falso judicio duelli.

[ROGER DE EIR. 14 HEN. II.][4]

Rogerus de Eir reddit compotum de dimidia marca, quia noluit respondere in curia decani de Waltham, ad breve regis quod non videbat sigillatum.

[HUGH BARDUL. 16 HEN. II.][5]

Hugo Bardul reddit compotum de X. marcis pro respectu de recognitione inter eum et Johannem Burdun usque ad Scaccarium. In thesauro V. marcas, et debet V. marcas.

[1] Madox, Hist. Exch. 385 (fol. ed.). [2] Ib. [3] Ib. 386.
[4] Ib. 388. [5] Ib. 142.

[SWETMAN KEMPE. 16 HEN. II.][1]

Swetman Kempe debet dimidiam marcam, quia recessit a curia regis sine licentia.

[WALTER SON OF AMFR. 17 HEN. II.][2]

Walter filius Amfr. reddit compotum de V. marcis, pro recognitione comitatus habenda de terra de Rapeston.

[JOSLIN OF HOCTON. 17 HEN. II.][3]

Joslenus de Hocton reddit compotum de XX. s., quia imposuit falsum crimen mortis Osberto Luvel, et non habuit warrantum.

[ROBERT SON OF ERNISUS. 18 HEN. II.][4]

Robertus filius Ernisi debet V. marcas, ut placitum quod est inter ipsum et Hugonem Malebisse sit coram justicia ad Scaccarium.

[RALPH, THE COOK. 18 HEN. II.][5]

Radulfus cocus reddit compotum de C. l., quia primo negavit quod nichil habuerat de catallis abbatis de Hida et postea recognovit. Henricus Buba reddit compotum de XIII. l. et VI. s. et VIII. d. pro eodem.

[1] Madox, Hist. Exch. 383 (fol. ed.). [2] Ib. 296. [3] Ib. 388.
[4] Ib. 142. [5] Ib. 389.

[DEAN OF WELLS. 18 HEN. II.][1]

Decanus de Well. reddit compotum de IIII. marcis, pro serviente regis, quem misit in carcerem; in thesauro II. marcas, et debet II. marcas.

[WILLIAM BASSET. 19 HEN. II.][2]

William Basset debet C. marcas, pro fine quem fecit cum rege de jurata facta super eum, de inquisitione vicecomitum Angliæ, per Walterum de Insula et Eustachium filium Stephani.

[ROBERT DE LUCI. 21 HEN. II.][3]

Idem vicecomes [Robertus de Luci] reddit compotum de III. marcis et dimidia, de Philippo filio Wiard et V. aliis, pro ferro juisæ bis portato de I. calefactione; in thesauro l., in VI. talliis, et quietus est.

[WILLIAM GERNUNS ET AL. 22 HEN. II.][4]

De placitis Willelmi filii Radulfi, et Bertram de Verdun, et Willelmi Basset, in curia regis: Willelmus as Gernuns reddit compotum de X. marcis et I. accipitre

[1] Madox, Hist. Exch. 389 (fol. ed.). [2] Ib. 97.
[3] Ib. 379. [4] Ib. 71.

Norr., quia incarceravit Gamel de Everwich; in thesauro X. marcas, et debet I. accipitrem Norr. Comitatus Eboraci reddit compotum de C. l., pro recordo duelli inter Simonem le Bret et Radulfum de Rugemunt Canonici de Eboraco reddunt compotum de C. l., quia non venerunt ad summonitionem regis ad Eboracum; in thesauro liberaverunt, et quieti sunt. Walterus de Nevill reddit compotum de XX. s., pro licentio concordandi cum Willelmo filio Fulch.; in thesauro liberavit, et quietus est.

[Ranulf de Glanvill. 22 Hen. II.][1]

Idem [Ranulphus de Glanvill] reddit compotum de X. marcis, de Willelmo de Levertona, ut placitaret saisitus de terra sua.

[Richard del Lech. 22 Hen. II.][2]

Ricardus del Lech reddit compotum de V. marcis, ut placitet saisitus de terra sua.

[William, Son of Sturus. 22 Hen. II.][3]

Willelmus filius Sturi debet X. marcas, pro recognitione quam habuit de terra de Teivilla in Normannia.

[1] Madox, Hist. Exch. 297 (fol. ed.). [2] Ib. [3] Ib.

[WALTER LE TAVERNER. 22 HEN. II.][1]

Walterus le Taverner debet dimidiam marcam, quia non levavit clamorem de interfecto in domo sua.

[HENRY DE PIRARIIS. 23 HEN. II.][2]

De placitis ad Scaccarium: Henricus de Pirariis reddit compotum de V. marcis pro deferatione appellationis. Willelmus filius Ailrici et Hascuil et Galfridus frater ejus reddunt compotum de dimidia marca, pro dissaisina injusta; in thesauro liberaverunt, et quieti sunt. Idem vicecomes reddit compotum de IIII. l. et XIII. s. et IIII. d., de minutis misericordiis hominum quorum nomina et debita et causæ annotantur in rotulo quem liberaverunt in thesauro: in thesauro liberavit in X. talliis, et quietus est.

[WILLIAM DE COLEVILL. 23 HEN. II.][3]

Willelmus de Colevill reddit compotum de XX. marcis, quia retraxit se de assisa versus comitem Simonem.

[WILLIAM, SON OF ULGER. 23 HEN. II.][4]

De placitis et conventionibus curiæ: Willelmus filius Ulgerii debet C. s., pro habenda recognitione de maritagio matris suæ, unde dissaisita fuit tempore werræ sine judicio.

[1] Madox, Hist. Exch. 386 (fol. ed.). [2] Ib. 142.
[3] Ib. 143. [4] Ib. 297.

[ROBERT, SON OF BRIENUS. 24 HEN. II.][1]

Robertus filius Brieni reddit compotum de XX. l. pro quietantia judicii ferri.

[SIMON, SON OF PETER. 24 HEN. II.][2]

De placitis Walteri filii Roberti et sociorum ejus: Simon filius Petri de Wigenhala debet dimidiam marcam pro blado asportato sine licentia. Rogerus Passelewe de Wigenhala debet dimidiam marcam pro eodem. Aluredus de Len debet dimidiam marcam pro eodem. Siwardus de Len debet dimidiam marcam pro eodem.

[ROGER, SON OF EVERARD. 25 HEN. II.][3]

De placitis ad Scaccarium. Idem vicecomes reddit compotum de I. marca de Rogero filio Everardi de Surreia, quia non habuit warantum suum; et de I. marca de Ædwardo filio Roberti pro eodem.

[VILLATA DE CHILDON. 26 HEN. II.][4]

Et [vicecomes reddit compotum] de XX. s. de villata de Childon, quia non clamorem nec sectam fecerunt de morte occisi.

[1] Madox, Hist. Exch. 143 (fol. ed.).
[2] Ib. 387.
[3] Ib. 143.
[4] Ib. 386.

[MAURICIUS DE WADENHAL. 27 HEN. II.][1]

Mauricius de Wadenhal debet III. marcas, pro habenda recognitione de I. carrucata terræ in Holewude de saisina Henrici avunculi sui. Willelmus de Haya reddit compotum de V. marcis, ut inquiratur per legales mulieres, si Emma de Setuans quæ dicitur peperisse, haberet puerum annon. Henricus de Mallinges debet XL. s., pro habenda recognitione de morte Willelmi fratris, de II. jugis terræ.

[OGER, SON OF OGER. 28 HEN. II.][2]

Ogerus filius Ogeri reddit compotum de dimidia marca, pro cyrographo inrotulando de finali concordia quæ facta fuit in curia domini regis apud Westmonasterium in crastino S. Andreæ, anno XXVIII. regni regis Henrici secundi, coram R. Wintoniensi et Galfrido Elyensi episcopis, et Rannulfo de Glanvill justiciario domini regis, et Ricardo thesaurio, et G. de Luci, et R. filio Renfridi, et Michaele Belet, et G. de Colevill, et R. de Geddingis, et Gervasio de Cornhill, et Osberto filio Hervei, et aliis baronibus et justiciariis domini regis ibi tunc præsentibus, inter Michaelem filium Ogeri et Sarram uxorem suam, et Ogerum filium Ogeri et Amiam uxorem suam, de rationabili parte sua quam idem M. et Sarra exigebant versus prædictum O. et Amiam uxorem suam, de terra quam Willelmus de Scheflega pater earundem Sarræ et Amiæ habuit, unde placitum fuit inter eos in curia domini regis, scilicet quod idem Ogerus et Amia uxor sua remiserunt prædicto Michaeli et Sarræ uxori suæ

[1] Madox, Hist. Exch. 297 (fol. ed.). [2] Ib. 77.

totam terram de R. . . . cum omnibus pertinentiis, et servicium Hugonis de Caldecota. De quibus idem Michael et Sarra facient servitium feodi unius militis prædicto Ogero et Amiæ, et ipsi capitali domino. Et præterea remiserunt prædicti Ogerus et Amia prædicto Michaeli et Sarræ servitium feodi unius militis, quod Radulfus filius Mauritii eis debuit de Stutton in Sudfolch, et XII. solidatas redditus in Selveston, quos prior et monachi S. Mariæ de Luffeld debuerunt eis, de tenemento quod de eis tenent. Prædicto autem Ogero et Amiæ uxori suæ remanet tota terra de Schelflega, et de Walton, et de Lachebroch, cum omnibus pertinentiis earundem terrarum, pro LXVI. l. de debito Willelmi patris earundem Sarræ et Amiæ, quas idem Ogerus et Amia reddiderunt Abrahæ Judæo Lundoniæ, et X. marcis de debito ejusdem quas ipsi reddiderunt Willelmo le Franceis, et VI. [et] XX. marcis, unde ipsi intraverunt in debitum versus Willelmum de Mandevill comitem Essexæ pro . . . .[1] terræ prædictæ; unde summa est CCXXIX. marcæ. In thesauro liberavit dimidiam marcam, et quietus est.

[Benedict the Jew. 29 Hen. II.][2]

Benedictus Judæus de Cantuaria reddit compotum de XX. marcis, quia quæsivit debitum ad opus fratris sui per cartam suam, quod ei solutum fuit. Ysaac Judæus reddit compotum de XX. marcis, quia negavit quod prius dixerat in curia regis; in thesauro V. marcæ, et in operatione prædicta V. marcæ, per prædictum breve et per visum

[1] Sic.

[2] Madox, Hist. Exch. 144 (fol. ed.).

prædictorum, et debet X. marcas. Jacob et Ysaac de Cantuaria debent unam marcam auri, pro habendo debito quod Folqueius Folet eis debuit. Robertus de Hogstede reddit compotum de XX. s. pro recto versus Henricum de Shotnes, de tenemento quod idem Henricus tenet. Eustachius filius Lefwini de Westgate debet unam marcam, pro saisina de XV. acris terræ in Westgate-hundredo. Simon de Chelfeld reddit compotum de I. marca pro licentia concordandi cum Willelmo de Resebelle.

[SIMON DE MEDELWOOD. 31 HEN. II.][1]

Simon de Medelwode debet X. marcas, quia placitavit in curia christianitatis de laico feodo.

[PRIOR OF WORCESTER. 31 HEN. II.]

Prior de Wirecestria reddit compotum de X. marcis, quia tenuit placitum de laico feodo in curia christianitatis.

[PHILIP DE KYMA. 31 HEN. II.][3]

Philippus de Kyma reddit compotum de C. s. loquela inter ipsum et Benedictum fratrem Aaron, de falsa cuppa, differatur usque ad Scaccarium Paschæ.

[1] Madox, Hist. Exch. 390 (fol. ed.). [2] Ib. 390. Ib. 144

RICHARD I.

[The Abbot of St. Edmund and Robert de Ulmo. Before 1191.][1]

[By consent of the parties, the right to a moiety of the church at H. is submitted to the oath of sixteen legal men, who find for the abbot of St. Edmund.]

Vacante medietate ecclesie de Hopetuna, mota est controversia inde inter abbatem et Robertum de Ulmo, positoque die concordie apud Hopetonam, post multas altercaciones dixit abbas ad predictum R., nescio quo impetu animi ductus: "Tu jura in propria persona, quod hoc tuum jus est, et ego concedo quod tuum sit." Cumque miles ille renuisset jurare, delatum est juramentum per consensum utriusque partis sexdecim legalibus de hundredo, qui juraverunt hoc esse jus abbatis.

[Abbot of St. Edmund v. The Jews. 1190.][2]

[The plaintiff obtains a writ of the king ordering that the Jews in a town of St. Edmund be expelled, on condition of being paid for their houses and lands. And the Jews are granted by the king's justiciars the right of entertainment for two days and nights at St. Edmund, when going there to exact payment of debts.

Dominus abbas peciit a rege literas ut judei eicerentur

[1] Chron. Joc. de Brakel. 44 (Camden Soc.). [2] Ib. 33.

villa Sancti Ædmundi, allegans quod quicquid est in villa Sancti Ædmundi, vel infra bannamleucam, de jure Sancti Ædmundi est: ergo, vel judei debent esse homines Sancti Ædmundi, vel de villa sunt eiciendi. Data est ergo licentia, ut eos eiceret, ita tamen quod haberent omnia katalla, scilicet et precia domorum suarum et terrarum. Et cum emissi essent, et armata manu conducti ad diversa oppida, abbas jussit sollempniter excommunicari per omnes ecclesias et ad omnia altaria omnes illos, qui de cetero receptarent judeos vel in hospicio reciperent in villa Sancti Ædmundi. Quod tamen postea dispensatum est per justiciarios regis, scilicet, ut si judei venerint ad magna placita abbatis ad exigendum debita sua a debitoribus suis, sub hac occasione poterunt duobus diebus et II. noctibus hospitari in villa, tercio autem die libere discedent.

[Earl of Clare *v.* Abbot of St. Edmund. Probably about 1190.][1]

[The plaintiff sues for alleged annual dues of five shillings, asserted by him to be unjustly detained; the money being due for carrying the defendant's standard in war. The defendant replies that the office of standard-bearer to St. Edmund is also claimed by Roger Bigot and Thomas de Mendham, and insists that the plaintiff must first interplead the matter with them.]

Facta est summonicio magna in hundredo de Risebrigga, ut audiretur querela et rectum comitis de Clara apud Witham. Ipse vero constipatus multis baronibus et

[1] Chron. Joc. de Brakel. 41 (Camden Soc.).

militibus, comite Alberico et multis aliis assistentibus, dixit; quod ballivi sui fecerunt ei intelligere, quod ipsi solebant annuatim accipere ad opus suum V. solidos de hundredo et ballivis hundredi, et nunc detinerentur injuste; et allegabat, quod predecessores sui fuerunt feoffati, ad capcionem Anglie, de terra Alfrici filii Withari;[1] qui quondam fuerat dominus illius hundredi. Abbas vero sibi consulens, nec de loco se movens, respondit: "Mirum videtur, domine comes, quod dicis! deficit. Rex Ædwardus dedit Sancto Ædmundo et carta sua confirmavit hunc hundredum integre, et de illis V. solidis nulla fit ibi mencio. Dicendum est tibi, pro quo servicio, vel qua ratione exigis illos V. solidos." Et comes, habito consilio suorum, respondit se debere portare vexillum Sancti Ædmundi in exercitu, et ob hanc causam illos V. solidos sibi deberi. Et respondit abbas: "Certe, inglorium esse videtur si tantus vir, utpote comes Clarensis, tam parvum donum pro tali servicio recipiat: abbati autem Sancti Ædmundi parvum gravamen est dare V. solidos. Comes R. Bigot se saisiatum tenet, et saisiatum se asserit officio portandi vexillum Sancti Ædmundi, qui illud portavit quando comes Lehecestrie fuit captus et Flandrenses destructi. Thomas eciam de Mendham dicit hoc esse jus suum. Cum vero dirationaveris versus eos hoc esse jus tuum, ego libenter V. solidos, quos queris, persolvam." Comes vero respondit, se esse locuturum inde cum comite R. cognato suo, et sic res cepit dilacionem usque hodie.

[1] 1 Doomsday, 389 b, 390.

[MONKS OF ST. EDMUND v. CITIZENS OF LONDON. 1192.][1]

[The monks of St. Edmund demand of their tenants of London increased rent of tenements held by them, which the latter refuse to pay. The monks now request the abbot to disseise them, which he declines to do without due process of law, stating that to disseise freemen of lands or rents which they have held for many years, justly or unjustly, would be unlawful.]

DECIMO anno abbatiæ Samsonis abbatis, de communi consilio capituli nostri, conquesti sumus abbati in curia sua, dicentes redditus et exitus omnium bonarum villarum et burgorum Anglie crescere, et augmentari in commodum possidencium et emendacionem dominorum, preter villam istam[2] que XL. libras dare solet, et nunquam ad plus extenditur; et burgenses ville esse in causa hujusmodi rei, qui tantas et tot purpresturas tenent in foro, de sopis et seldis, et stalagiis, sine assensu conventus, et ex solo dono prefectorum ville, qui annuales firmarii et quasi servientes sacriste fuerunt, pro beneplacito ejus removendi. Burgenses vero summoniti responderunt, se esse in assisa regis,[3] nec de tenementis, que illi et patres eorum tenuerunt, bene et in pace, uno anno et uno die, sine calumpnia, se velle respondere contra libertatem ville et cartas suas; et dixerunt talem fuisse consuetudinem antiquam, ut prefecti darent, inconsulto conventu, loca soparum et seldarum in foro per aliquem redditum prefecture annuatim reddendum. Nos autem reclamantes volumus, ut abbas dissaisiaret eos de talibus tenementis, unde warantum nullum habuerunt. Abbas vero veniens ad consilium nostrum, tanquam unus ex nobis, secreto nobis dixit, se velle nobis rectum tenere pro posse suo; sed ordine justiciario se debere procedere,

[1] Chron. Joc. de Brakel. 56 (Camden Soc.).
[2] London
[3] Under the king's law.

nec sine judicio curie posse dissaisiare liberos homines suos de terris vel redditibus suis, quos per plures annos tenuerunt, sive juste, sive injuste: quod si faceret, dicebat se cadere in misericordiam regis per assisam regni. Burgenses ergo, ineuntes consilium, optulerunt conventui redditum C. solidorum pro bono pacis, et ut tenerent tenementa sua, sicut solebant. Nos vero hoc noluimus concedere, malentes ponere loquelam in respectum, sperantes forsitan, tempore alterius abbatis, vel omnia recuperare, vel locum nundinarum mutare; et ita res cepit dilacionem per plures annos.

[Case of Girard of Camvill. 1193.][1]

[The defendant is appealed in a council of the king of various offences; one charge being of treason to the king in refusing to obey a summons of the king's justiciars for receiving stolen goods. The defendant answers that he is the man of earl John, and is willing to be tried in the latter's court. The defendant is also appealed of supporting earl John. He denies all the charges; his appellors give pledges for prosecuting their appeals; and the defendant gives pledges for defending himself by one of his men.]

Secunda die mensis Aprilis celebravit [rex Ricardus] diem quartum et ultimum concilii sui; in quo omnes qui volebant conqueri de archiepiscopo Eboracensi, fecerunt querimonias multas. . . . Deinde Girardus de Camvilla fuit relatus de receptione prædonum, qui rapuerunt bona mercatorum euntium ad nundinas de Stanford; ab eo recesserunt ad rapinam illam faciendam, et de rapina illa redierunt ad eum. Præterea appellaverun

[1] Madox, Hist. Exch. 16; 3 Rog. de Hov. 242 (Rec. Com

eum de læsione regiæ majestatis, in eo quod ipse ad vocationem justitiarum regis venire noluit, nec juri stare de prædicta receptatione raptorum, neque eos ad justitiam regis producere; sed respondit, se esse hominem comitis Johannis[1] et velle in curia sua juri stare. Præterea appellaverunt eum, quod ipse fuit in vi et adjutorio cum comite Johanne, et aliis inimicis regis, ad castella regis de Notingham et de Tikehil capienda. Girardus vero de Camvilla negavit omnia quæ objiciebantur ei ab illis; et illi dederunt vadium de prosequendo, et Girardus dedit vadium de defendendo se per unum de liberis hominibus suis.

[ABBOT OF ST. EDMUND. 1194.][2]

[An inquisition being ordered as to the last presentation of the church at B., five of the recognitors come to the abbot and indicate a willingness to be corrupted. The abbot declines to entertain their suggestion, and they depart in anger; finding against him.]

ECCLESIA vero de Bocsford vacante, cum summonita fuisset inde recognicio,[3] venerunt quinque milites temptantes abbatem, et querentes quid inde deberent jurare. Abbas autem noluit eis aliquid dare, vel promittere, sed dixit: "Cum ad juramentum perventum fuerit, dicite rectum secundum conscientiam vestram." Ipsi vero indignantes recesserunt, et ei per juramentum suum advocacionem illius ecclesie, scilicet ultimam presentacionem, abstulerunt; quam tamen postea recuperavit, multis factis expensis, et datis decem marcis.

[1] Afterwards king John.
[2] Chron. Joc. de Brakel. 44 (Camden Soc.).
[3] As to the last presentation.

[HUBERT OF ST. Q. *v.* STEPHEN OF F. ET AL. 1195.][1]

[The defendants are appealed of entering the plaintiff's premises feloniously, with force and arms, and carrying off turf; and this the plaintiff offers to prove by W. N. and R. of St. M. The defendant W. comes and defends the felony, and says that the premises from which he took the turf were his own frank tenement, and not that of the plaintiff. The defendant R. comes and defends everything charged upon him *de verbo in verbum.* Judgment that the sheriff cause a view of the land in question by four knights, and by them report to whom the premises belong.]

HUBERTUS de Sancto Quintino appellat Stephanum de Fauconberge et Willelmum de Killinge et Everardum de Whiticco et Robertum de Tudintona et illorum vim quod venerunt in terram suam de Bortona cum vi et armis et robberia et nequiter et in pace[2] domini regis asportaverunt catalla sua scilicet turbas ad valenciam LX. solidorum et ea duxerunt in curiam illius Willelmi, et hoc offert probare per Walterum Norensem qui custos erat terræ illius versus ipsum Willelmum et per Ricardum de Sancto Michaelo versus Robertum qui eum vidit in vi illa, et vicecomes testatur quod Stephanus non fuit inventus quando summonitio primo venit, quia est ultra mare. Willelmus venit et defendit feloniam et robberiam et totum de verbo in verbum et dicit quod turbas quas asportavit, asportavit de libero tenemento suo et de feodo suo, et non in feodo ipsius Huberti; et Hubertus dicit quod turbas illas fodere et facere fecit postquam dominus rex Ricardus applicuit de Alamannia bene et in pace et sine aliquo clamio quod Willelmus inde fecisset, et quod post transfretacionem domini regis in Normanniam illas asportavit; et Robertus totum defendit versum ipsum Hubertum de verbo in verbum. Consideratum est quod vicecomes

[1] Rot. Cur. Regis, 38. [2] pacem?

faciat fieri visum de terra illa unde turbe asportate fuerunt, et per IIII. milites ferre recordum illius visus cujus sit terra illa: apud Westmonasterium.

It is worthy of notice that the right of property is here ordered to be tried in an action of trespass.

[ABBOT OF ST. EDMUND *v.* JORDAN.][1]

[Inquisition concerning a plea of land, claimed by the defendant as his frank tenement, and return of the recognitors that the land has never been separate from the church of St. Edmund, and that it owes the same service to the church as certain other lands named. The defendant thereupon acknowledges the superior right of the church.]

POSTEA mota est controversia inter abbatem et eundem Jordanum de terra Herardi in Herlava, utrum esset liberum feudum ecclesie, an non. Cumque inde summonita esset recognicio duodecim militum in curia regis facienda, facta est in curia abbatis apud Herlavam per licentiam Rannulfi de Glanvilla, et juraverunt recognitores se nunquam scivisse illam terram fuisse separatam ab ecclesia, sed tamen illam terram debere abbati tale servicium quale debet terra Eustachii, et quedam alie terre laicorum in eadem villa. Tandem convenit inter eos ita: magister Jordanus in plena curia recognovit illam terram esse laicum feudum, et se nichil inde vendicare, nisi per gratiam abbatis; et illam terram tenebit omnibus diebus vite sue, reddendo inde annuatim abbati XII. denarios pro omnibus serviciis.

[1] Chron. Joc. de Brakel. 45 (Camden Soc.).

APPENDIX

A.

[BISHOP WULSTAN *v.* ABBOT WALTER. ABOUT 1077 (?) AND 1085—6.] [1]

[THE full text of the original writ referred to in the note, *ante*, p. 18, is as follows :—]

W. rex Anglorum Lanfranco archiepiscopo et Gosfrido episcopo Constantiensi salutem. Facite ita esse socam et sacam inter episcopum Wlstanum et Walterum abbatem de Euesham, sicut erant die, qua novissime, tempore regis Eduuardi, geldum acceptum fuit ad navigium faciendum, et ad istud deplacitandum, sis Gosfride præsul in meo loco, et, ut plene episcopus Wulstanus suam rectitudinem habeat, stude, et domos quas episcopus contra abbatem reclamat in Wireceastra, facite sibi juste habere. Et ut omnes illi, qui terras ejus tenent, parati sint semper in meo servitio, et suo. Teste Rogero de Iurio.

[The following record of the judgment in this case was drawn up by the king's justiciar, bishop Geoffrey of Coutances :—] [2]

Gosfridus Constantiensis episcopus, Remigio episcopo, et Waltero Giffardo, et Henrico de Ferer, et Adam, cæterisque baronibus regis, salutem. Sciatis, quod ego testimonium fero, quia dum, ex præcepto regis, placitum tenui inter episcopum Wlstanum et abbatem de Ueshand [3] quod episcopus diraciocinavit III. hidas ad Benninc-uuyrthe, et domos in civitate de suo feudo esse, ita quod abbas sibi debet inde servire, sicut alii sui feudati. Et deratiocinavit socam et sacam de Hamtona ad suum hundred de Osuualdes lauue, quod ibi debent placitare, et geldum et expeditionem, et cetera legis servitia, de illis XV. hidis secum debet persolvere, et ciricsceat, et sepulturam, ad suam villam Croppethorne debent reddere. Hoc fuit diratio-

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[1] 1 Monasticon, 601 (ed. 1846). [2] Ib. [3] Evesham.

cinatum et juratum coram me, et Urs de Abetot, et Osberno filio Escrob, et cæteris baronibus regis, judicante et testificante omni vicecomitatu.

[The following acknowledgment of the concord which is mentioned in the plea, *ante*, p. 19, is given by Heming, a monk of Worcester at the time, from whom, indeed, all the reports of this case here given have been derived :—][1]

Hec est confirmatio conventionis, facte inter episcopum Wlfstanum, et Walterum abbatem de Eouesham, de XV. hidis in Heamtone, et IIII. in Bennincuuyrthe. Hoc est, quod ipse abbas recognovit, teste omni conventu Uuigornensis ecclesie, et multis fratribus de Eouesham, et Remigio episcopo, et Henrico de Fereris, et Waltero Giffardo, et Adam, regis principibus, qui venerunt ad inquirendas terras comitatus, quod ille XV. hide juste pertinent ad Osuualdes lauue hundredum episcopi, et debent cum ipso episcopo censum regis solvere, et omnia alia servitia ad regem pertinentia, et inde idem requirere ad placitandum, et de IIII. hidis predictis in Bennincuuyrthe similiter. Sed episcopus ibi plus calumpniabatur, quia reclamabat totam ipsam terram ad suum dominium; sed quia ipse abbas hoc humiliter recognovit, rogatu ipsorum qui affuerunt, ipse episcopus permisit illam terram ipsi abbati et fratribus, tali pacto, ut ipse abbas faciat inde tam honorabilem recognitionem et servitium, sicut ipse ab ipso episcopo et quamdiu requirere poterit. Hujus conventionis testes sunt prenominati barones regis, et alii quorum nomina hic habentur. Serlo abbate de Gloecestre, Nigellus clericus Remigii episcopi, Ulf monachus Remigii episcopi, Wlfi presbiter, Ranulf monachus ejusdem, Edric de Hindelep, Alfuuinus monachus de Sancto Remigio, Godric de Piria, Ailricus archidiaconus, Ordric niger, Fridericus clericus, Alfuuinus filius Brihtmer.

It thus appears that this *acknowledgment* of the concord with which the case as given *ante*, p. 19, terminated, was made in the course of the great survey of Doomsday. And the fact is also affirmed by Heming on his own authority. He says: "Unde super hac re facta ab ipsis inquisitione, et testimonio totius vicecomitatus sacramento firmato, in autentica regis cartula[2] hoc testimonium scribi fecerunt, et regali suaque auctoritate stabilitum deinceps, absque

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[1] Hemingi Cart. 75, 296.

[2] That is, the record for Doomsday. See Vol. I., p. 172 b, where the "cartula" here referred to, and given by Heming on pp. 298, 299, is found.

querela et calumnia, eandem libertatem firmam episcopo de ipso hundred, et terris ad eum pertinentibus, permanere, rege annuente, judicaverunt."

Mr. Freeman assigns the whole litigation, including the plea given *ante*, pp. 16—19, to the time of the survey, asserting that the king's writ (*supra*) "was sent to the commissioners for the very purpose of fixing the entry to be made in Doomsday." 5 Norman Conquest, 763 (Oxford ed.). But there are strong grounds for doubting this statement.

It is perfectly clear from the various records here given that there were two stages to this litigation, or rather two distinct litigations; the first, as bishop Geoffrey's writ states, being the trial before him and his associates, and the second, as the acknowledgment of the concord shows, being before the commissioners of Doomsday. Now it may well be inquired why, if the commissioners ordered the trial reported *ante*, p. 16, they should not have been satisfied with the return made by the presiding judge, without an acknowledgment, before themselves, of the concord just agreed upon, according to this view, in open court. The proceeding would be idle, unless it was in the nature of an appeal from the judgment pronounced by Geoffrey; and nothing of this kind appears.

There are, however, stronger grounds for supposing that the trial reported near the commencement of this book was distinct from the acknowledgment of the concord, antedating it by a considerable number of years. The procedure there employed is the old procedure of the Anglo-Saxons (which lingered on for a very long period after the Conquest). The record is clear upon this point: it shows the case divided in the midst by a judgment in the usual Anglo-Saxon manner, not upon the merits of the cause, but directing the mode of producing the proofs. *Ante*, p. 18, "Tandem ex precepto," &c. See also Essays in Anglo-Saxon Law, p. 249, to the same effect. And it is worthy of notice that the king's writ does not order an inquisition, but is substantially what in later times was called a writ of right,—a writ as yet imperfectly developed. The litigation before the commissioners of Doomsday, on the other hand, was under the new procedure by inquisition, as is distinctly stated in the passage last quoted from Heming. For such a purpose, the king's writ should have been like the writs given *ante*, pp. 24, 33.

If it should still be said that this does not show that the two trials might not have been continuous, or nearly so, there remains another potent fact. The names of those present at the later

litigation are above given, and they do not include one of those stated to have been present at the earlier trial,—a singular fact if Mr. Freeman's view be correct, since they would be the very persons to bear witness of the concord. Most if not all of them held lands in Worcestershire at the time of the survey.[1] Hence, probably, they could not have lived far away, and might well be expected to be present throughout. Besides, Heming also gives (p. 291) the names of those at Oswaldslaw who *swore* on behalf of the bishop and prior before the commissioners, either at the second trial, or, more likely, in making the Doomsday return of the property of the church; and not one of the persons present at the first trial appears among them.

The difficulties are all removed by supposing a considerable nterval between the two trials. When the cause came before the commissions, the witnesses who appeared before bishop Geoffrey may well have been absent from the county, or possiblv it may have been forgotten who they were. It seems, then, not unreasonable to assign the first trial to the early part of the administration of Walter (who was inducted abbot in May, 1077), when the dispute probably arose.[2] The bishop would hardly be content to allow the abbot to hold the property peaceably for eight or nine years, and thus to gradually fortify himself by a prescriptive title.

This view also makes the record of bishop Geoffrey more intelligible. It was sent to the court in the ordinary way, as evidence concerning a decision rendered a considerable time since, the existence or nature of which, after such an interval, might be seriously disputed; for it is to be remembered that at that time judgments were not regularly enrolled and preserved by the courts. Other instances of the same nature are given *ante*, pp. 150, 182, 191-197.

It should be added that Palgrave and the editor of the Essays in Anglo-Saxon Law also assign the plea before bishop Geoffrey to "about 1077."

The whole case is therefore even more interesting than Mr. Freeman would make it. It illustrates not only the new procedure and the mode of taking the great survey upon disputed claims, but also one of the Anglo-Saxon modes of trial.

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[1] Kinneward, 1 Doomsd. 172 b, 173; Edric, the steersman, and Osbern, filius Ricardi, ib. 173 b; Urse, the sheriff, *passim*.

[2] Other disputes between the bishop of Worcester and the abbot of Evesham had existed before Walter's advent. Heming, 270; 5 Freeman, Norm. Conq. 763 (Oxford ed.).

B.

APPEAL OF TREASON AND ABUSE OF OFFICE.

[The King v. Earl Odo. 1082.][1]

[The defendant, half-brother of William the Conqueror, had been rewarded with the county of Kent for his services in the Conquest, at the same time retaining his position as bishop. Hoping to succeed Gregory VII. in the papacy, Odo had, during the absence of the king in Normandy, made great preparations to go to Rome to look after his prospects in person, and had made the most lavish outlays to ensure success. The king had left him in charge of the kingdom, as chief justiciar. The account proceeds :—]

Apparatum hujusmodi prudens rex Guillelmus edidicit, sed non approbavit, regnoque suo, multisque aliis valde nociturum æstimavit. Unde festinanter in Angliam transfretavit, ac Odoni episcopo cum grandi pompa navigare in Normanniam cupienti, ex insperato in insula Vecta[2] obviavit. Ibi nimirum congregatis in aula regali primoribus regni rex ita locutus est.

"Egregii proceres, verba mea diligenter audite, et salubre consilium mihi, quæso, tribuite. Antequam transfretassem in Normanniam, regimen Angliæ fratri meo, Bajocensi episcopo, commendaveram. In Normannia multi contra me surrexerunt, et, ut ita dicam, intimi[3] et forinseci me invaserunt. Robertus filius meus, et tirones quos enutrivi, et quibus arma dedi, contra me rebellaverunt, eisque mei malefici clientes et finitimi hostes grantanter adhæserunt. Verum Deo, cujus servus sum, me protegente, nil profecerunt; nec de meo aliquid, nisi ferrum in vulneribus suis, obtinuerunt. Conglobatos in me Andegavenses paratus ad bellum terrore compressi, parique modo rebellantes Cenomannos armis et viribus compescui. His nimirum occupationibus ultra mare irretitus fui, ibique diu moratus, publicis utilitatibus laboriose deservivi. Interea frater meus Angliam vehementer oppressit, et ecclesias fundis et redditibus exspoliavit, ornamentis ab antecessoribus editis nudavit, militesque meos, qui contra Danos et Hibernenses, et alios hostes mihi nimis infestos, Angliam tutari debuerant, seduxit, et trans Alpes in extera regna, me contempto, pertrahere disponit. Nimius labor cor meum angit, præcipue pro ecclesiis Dei, quas

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[1] 3 Ord. Vital. 189 (French Hist. Soc.).

[2] Isle of Wight.

[3] inimici ?

afflixit. Christiani reges, qui ante me regnaverunt, ecclesiam Dei amaverunt, honoribus et xeniis multi generis locupletaverunt; unde nunc, ut credimus, in amœna sede felici retributione gaudentes requiescunt. Adelbertus et Edvinus ac Sanctus Oswaldus, Athulfus ac Alfredus, Edwardus senior et Edgarus, cognatusque meus et carissimus dominus Edwardus dederunt opes Ecclesiæ Sanctæ, quæ est sponsa Dei. Et frater meus, cui totius regni tutelam commendavi, violenter opes diripuit, crudeliter pauperes oppressit, frivola spe milites mihi surripuit, totumque regnum injustis exactionibus concutiens exagitavit. Quid inde agendum sit caute considerate, et mihi, quæso, insinuate."

Cumque omnes tantum virum timerent, et sententiam in illum proferre dubitarent, magnanimus rex ait: "Noxia temeritas semper comprimenda est, nec uni ad detrimentum reipublicæ pro aliquo favore parcendum est. Hunc ergo virum, qui terram turbat, comprehendite; et, ne in deterius prævaleat, solerter custodite." Cumque nullus in episcopum auderet injicere manum, rex ipse primus apprehendit eum. Illo autem reclamante: "Clericus sum, et minister Domini; non licet pontificem damnare sine judicio papæ;" providus rex ait: "Ego non clericum nec antistitem damno, sed comitem meum,[1] quem meo vice mea præposui regno, rationem commissæ villicationis audire volens comprehendo."

Sic regia potestas præfatum præsulem cepit, in Normanniam deduci fecit, et in arce Rotomagensi incarceravit, ibique intrusum quatuor annis, id est usque ad finem vitæ suæ[2] diligenter custodivit.

Compare The King *v.* Bishop William, *post*, p. 307; also The King *v.* Thomas à Becket, *ante*, p. 213.

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[1] That is, as earl of Kent;—the suggestion, not unlikely, of Lanfranc, as in the case of bishop William, *post*, p. 309.

[2] The *king's* life. Odo was released in the king's last illness, only to prove as troublesome and dangerous as before. See the case of bishop William, *post*, p. 308.

C.

DOOMSDAY INQUISITIONS.[1]

[ARCHBISHOP LANFRANC *v.* BISHOP ODO.]

Hoc manerium [Estoches] fuit et est de episcopatu Rofensi, sed Goduinus comes tempore regis Edwardi emit illud de duobus hominibus qui eum tenebant de episcopo, et eo ignorante facta est hæc venditio. Postmodum vero regnante Willelmo rege, diratiocinavit illud Lanfrancus archiepiscopus contra Baiocensem episcopum, et inde est modo saisita Rofensis æcclesia. 1 Doomsday, 5 b.

[ABBOT OF ST. AUGUSTINE *v.* THE SON OF ANSFRID.]

Hoc manerium [Badelesmere] reclamat abbas Sancti Augustini, quia habuit tempore regis Edwardi et hundred attestantur ei. Sed filius hominis [Ansfrid] dicit patrem suum se posse vertere ubi voluerit, et hoc non annuunt monachi [Sancti Augustini]. Ib. 10.

[ABBOT OF ST. PETER. MANOR OF TREVERDE.]

Hoc manerium [Treverde] calumpniatur abbas Sancti Petri Wintoniensis. Testatur hundred quod tempore regis Edwardi tenebat eum de abbate qui tenebat tantummodo tempore vitæ suæ. Ib. 23.

[LANDS OF BISHOP ODO.]

Rannulfus vicecomes tenet I. hagam, quam hucusque tenuit de episcopo Baiocensi. Homines vero testificantur quia non adjacet alicui manerio, sed qui tenebat eam tempore regis Edwardi concessit eam Toui præposito villæ, pro emendatione unius suæ forisfacturæ.

Altera domus est quam tenet præpositus episcopi Baiocensis de manerio Bronlei. De hoc dicunt homines de comitatu, quod non habet ibi aliam rectitudinem, nisi quod quandam viduam cujus erat domus accepit præpositus villæ, et ideo misit episcopus domum illam in suo manerio, et hucusque perdidit rex consuetudines, episcopus autem habet.

Dicunt etiam homines qui juraverunt de alia domo quæ jacet in Brunlei, propter hoc tantum quod præpositus de ipsa villa fuit amicus hominis illius qui hanc domum habebat, et eo mortuo convertit eam ad manerium. Ib. 30.

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[1] Here are given all the rest of the cases of Doomsday of any legal value, not given in the text, *ante*, pp. 37—61. The date is *anno* 1085-1086.

[Lofus v. Bishop Odo.]

Quidam præpositus regis nomine Lofus hoc manerium [Fernecome] calumpniatur, et homines de hundred illi testificantur, quia tenebat illud de rege quando fuit rex in Wales, et post tenuit, donec episcopus Baiocensis in Chent perrexit. Ipse episcopus convertit ad firmam de Bronlei Reddesolbam et Fernecome. Ib. 31 b.

[Land of Abbot Ulwold. Writ or Livery of Seisin.]

Isdem Ricardus habet VI. hidas in manerio Ebsa, quas abbas Wluuoldus deliberavit ei in emendatione Waletone, sic homines Ricardi dicunt. Sed homines de hundred dicunt se nunquam vidisse brevem vel liberatorem regis qui eum inde saisisset. Hanc terram tenuerunt novem teigni, et cum ea se poterant vertere quo volebant. Ib. 35.

[Ansculf, a Sheriff. Seal or Livery of Seisin.]

Hanc terram habuit Ansculfus postquam recepit vicecomitatum, sed homines de hundredo dicunt se non vidisse sigillum nec liberatorem. Ib. 36.

[Walter de Dowai. Writ or Livery of Seisin.]

Walterius de Dowai [tenet in Waleton] II. hidas de rege, sic dicit. Sed homines de hundredo dicunt se nunquam vidisse brevem vel nuncium regis qui eum inde saisisset. Hoc autem testantur quod quidam homo hanc terram tenens et quo vellet abire valens, submisit se in manu Walterii pro defensione sui. Ib.

[Durand. Writ or Livery of Seisin.]

Hanc terram [in Sudtune] saisivit Durandus et dicunt homines quod injuste habet, nam nemo eorum brevem regis vel liberatorem vidit. Ib. 36 b.

[An Officer v. Earl of Mortain.]

Præfectus calumniatur ad opus hujus manerii [Sudburne] unam virgatam terræ et pascuam quam vocant Dunam, quæ reddit XV. solidos. Comes Moritonus tenet. Sed hundred testatur quod in dominica firma regis jacere debeat, et ibi fuit tempore regis Edwardi et pratum in eodem. Ib. 39 b.

[ABBOT OF ST. PETER.]

De isto manerio [Aultone] testatur comitatus quod injuste accepit [abbas Sancti Petri] pro excambio domus regis, quia domus erat regis. Ib. 43.

[MONKS OF WINCHESTER.]

Hoc manerium [Helingey] calumpniantur monachi de episcopatu Wintoniensi, eo quod Imma regina [1] dedit illud æcclesiæ Sancti Petri et Sancti Suuithuni, et tunc de medietate monachos saisivit. Aliam vero medietatem Uluuardo in vita sua tantum ita dimisit, quatinus post obitum suum ipse sepeliendus et manerium rediret ad monasterium. Atque ita Uluuard de monachis partem manerii tenuit, donec mortuus fuit tempore regis Willelmi. Hoc sic attestatur Elsi abbas de Ramesy, et totum hundret. Ib. 43 b.

[HUGH v. TURSTIN, THE CHAMBERLAIN.]

Ad opus hujus manerii [Holstune] calumpniatur ipse Hugo III. masuras, et angulum prati et unam virgatam et V. acras terræ super Turstinum camerarium. De hoc fert testimonium totum hundred, quod antecessores ejus inde saisiti erant et tenentes die quo rex Edwardus fuit vivus et mortuus. Ib. 45.

[MONKS OF WINCHESTER v. RALPH DE MORTEMER.]

Isdem Radulfus [de Mortemer] tenet in Suantune unam hidam. Cheping tenuit de episcopo et de monachis [Wintoniensibus] et semper fuit de monasterio, sed concessa est eidem in vita sua tantum tenere, et post mortem ejus ad æcclesiam debebat redire. Hoc monachi dicunt, sed hundred nil scit de conventione, sed hoc scit quia de monasterio fuit, et geld non dedit nec modo facit, et nesciunt quare remansit. Ib. 47.

[ABBESS OF ST. MARY.]

Hoc manerium [Icene] calumpniatur abbatissa Sanctæ Mariæ, et totum hundred et insuper totus vicecomitatus testimonium perhibet quod in abbatia fuit tempore regis Edwardi, et regis Willelmi, et juste esse debet. Ib. 48.

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[1] Mother of Edward the Confessor.

[Eldred, Brother of Oda.]

Ældred frater Ode calumpniatur unam virgatam terræ de hoc manerio [Cuntune], et dicit se eam tenuisse die qua rex Edwardus fuit vivus et mortuus, et disaisitus fuit postquam rex Willelmus mare transiit, et ipse dirationavit coram regina. Inde est testis ejus Hugo de Port et homines de toto hundred. Ib. 48 b.

[William of Ow.]

Hanc hidam [in Ferlege] calumpniatur Willielmus de Ow, dicens eam pertinere ad suum manerium. Sed homines de hundred non testantur quod habere debeat, sed præoccupatam esse super regem. Ib.

[Odo *v.* Geoffrey.]

Hanc hidam [in Basingestoc] calumpniatur Odo de Winc., dicens se illam habuisse in vadimonio pro X. libris de Alsi concessione regis Willelmi, et ideo injuste eam perdit. Goisfridus vero tenet de rege, pro servitio quod fecit Mathildi ejus filiæ. Ib. 49.

[The King's Officer.]

De hoc manerio [Acangre] calumpniatur præpositus regis dimidiam hidam ad pasturam boum regis. Scira vero testatur quod non potest habere pasturam nec pasnagiam de silva regis sicut calumpniatur, nisi per vicecomitem. Ib. 49 b.

[Land of Alvin. Seal or Livery of Seisin.]

Dicunt homines de hundred, quod nunquam viderunt sigillum vel legatum regis qui saississet Aluuinum antecessorem ejus qui modo tenet de isto manerio [Tederlec], et nisi rex testificetur, nichil habet ibi. Ib. 50.

[The King *v.* Sawin. Seal.]

Hanc dimidiam hidam [in Rocheborne] dicunt ministri vicecomitis pertinere ad firmam regis. Sed hundred et scira dicunt quod rex Edwardus dedit huic [Sawino], et inde habet sigillum ejus. Ib.

THE KING v. HENRY DE F.]

Henricus de Fereires tenet in hoc manerio [Sudtone] de dominica terra regis CXX. acras terræ, et III. acras prati, ideo quia Godricus antecessor suus cum vicecomes esset, aravit eam terram cum suis caruccis, sed ut dicit hundred ad curiam regis pertinere juste. Godric occupavit enim injuste. Ib. 57 b.

[SAME PARTIES.]

Henricus tenet ibi [in Henret] I. hidam quæ fuerat in firma regis. Godricus tenuit. Aluricus de Taceham dicit se vidisse brevem regis quod eam dederit feminæ Godrici in dono, eo quod nutriebat canes suos. Sed nemo est in hundred qui brevem viderit præter Aluricum. Ib.

[BISHOP OSBERN.]

Osberus episcopus tenet in dominio Bocheland, in Gamesfel hundred, de episcopatu suo ut dicit. Uluricus tempore regis Edwardi ibi mansit. Unde judicium non dixerunt, sed ante regem ut judicet dimiserunt. Ib. 58 b.

[THE KING v. HENRY DE F.]

Hanc terram [in Spersolt] dicit Henricus [de F.] fuisse Godrici antecessoris sui, sed sicut hundred testatur Godricus eam occupavit super Willelmum regem, post bellum de Hastinges, nec unquam tenuit tempore Edwardi regis. Ib. 60 b.

[THE KING v. AZOR. WRIT OR LIVERY OF SEISIN.]

Hanc terram [in Ardintone] tenet isdem Azor de Roberto, sed homines de hundred testificantur eum de rege debere tenere, quam rex Willelmus apud Windesores ei reddidit, et brevem suum inde ei dedit. Robertus vero tenet injuste. Nemo enim eorum vidit brevem regis vel ex parte ejus hominem qui eum inde saisisset. Ib. 62.

[BISHOP OSBERN. PROOF BY CHARTERS.]

De hoc manerio [Critetone] ostendit Osbernus episcopus cartas suas, quæ testantur æcclesiam Sancti Petri inde fuisse saisitam antequam rex Edwardus regnaret. Insuper tempore regis Willelmi diratiocinavit coram baronibus regis, esse suam. Ib. 101 b.

[Homagers of Earl Eustace.]

Hanc terram [in Horemede] tenuit Wluuard homo Asgari stalri. Hanc reclamant homines Eustachii comitis, de qua fuerunt saisiti per II. annos postquam ipse comes ad hunc honorem venit, ut homines de hundret testantur. Ib. 138 b.

[A Sokeman v. The King.]

Hanc terram [in Stuterehele] sumpsit Petrus vicecomes de isto sochomanno regis Willelmi in manu ejusdem regis, pro forisfactura de gildo regis se non reddidisse ut homines sui dicunt. Sed homines de scira non portant vicecomiti testimonium, quia semper quieta fuit de gildo et de aliis erga regem, quamdiu tenuit, testante hundret. Ib. 141.

[Earl Alan v. Hardwin. Voucher to Warrant.]

De hac virga [in Berchedene] reclamat Alanus comes III. partes se habere juste debere. Nam inde erat saisitus quando mare nuperrime transivit, ut homines de hundred sibi portant testimonium. Sed Harduinus reclamat Petrum vicecomitem ad protectorem et liberatorem jussu episcopi Baiocensis, quod ei liberavit pro excambio. Ib. 141 b.

[Earl William. Writ.]

Homines de comitatu inquisiti dixerunt se nunquam vidisse brevem regis qui hanc terram [in Estone] diceret datam esse comiti Willelmo. Ib. 164.

[Church of St. Mary.]

Hoc manerium [Cernei] calumpniatum est ad æcclesiam Sanctæ Mariæ de Abendone, sed omnis comitatus testificatus est Stigandum archiepiscopum X. annis tenuisse vivente Edwardo rege. Ib. 169.

[Abbot Walter. Lands at Benningworth.]

Ipsa ecclesia [Evesham] tenet IIII. hidas ad Beningwrde, et quintam hidam tenet Urso; has V. hidas diratiocinavit Walterius abbas ad Ildebergam in IIII. [V. ?] sciris coram episcopo Baiocensi et aliis baronibus regis. Ib. 175 b. See *ante*, p. 20.

[Priests of Huntingdon v. Earl Eustace. Writ or Livery of Seisin.]

Dicunt homines qui juraverunt in Huntedune, quod æcclesia Sanctæ Mariæ de burgo et terra quæ ad eam pertinet fuit æcclesiæ de Torny, sed abbas invadiavit eam burgensibus. Rex Edwardus autem dedit eam Vitali et Bernardo presbyteris suis, et ipsi vendiderunt Hugoni camerario regis Edwardi. Hugo vero vendidit eam II. presbyteris de Huntedune, et habent inde sigillum regis Edwardi. Eustachius modo habet eam sine liberatore, et sine brevi et sine saisitore.

[Bishop Remigius. Writ.]

De terra Leuric dicunt quod fuit in soca regis, sed Remigius episcopus ostendit brevem regis Edwardi, per quem Leuricus cum omni terra dederit in episcopatum Lincoliæ cum saca et soca. Ib. 208 b.

[William de C. v. Hugh de B.]

In hac terra episcopatus [Lincoliensis] reclamat Willelmus de Caron LX. acras inter planum et silvam super Hugonem de Belcampo, unde Radulfus Taillebosc desaisivit patrem ejusdem Willelmi, qui ipsam terram tenebat tempore regis Edwardi, ut homines de hundred dicunt. Ib. 210.

[Hugh de B. v. William de C.]

Hanc terram de Tilebroc reclamat Hugo Belcampo super Willelmum et homines de hundred portant inde testimonium, quod Radulfus Tallebosc antecessor ejus de ea per regem saisitus fuit, et eam tenuit. Ib. 211 b.

[Alfred v. Walter of Flanders.]

Cum his III. hidis [in Wilge] reclamat Alueredus super Walterum Flandrensem dimidiam hidam, de qua injuste desaisivit eum, ut homines de hundred inde portant testimonium, quum antecessor ejus tempore regis Edwardi inde saisitus est, et isdem Alueredus postea fuit saisitus. Cum hac terra adhuc reclamat isdem Alueredus super episcopum Constantiensem silvam C. porcis quam habuit suus antecessor tempore regis Edwardi, sed episcopus desaisivit eum injuste, ut homines de hundred testantur. Ib. 215 b.

[W., THE CHAMBERLAIN, *v.* ADULF.]

Cum hoc manerio [Totenehou] reclamat W. camerarius II. hidas, quas ejus antecessor tenuit tempore regis Edwardi, sicut hundred testatur, sed episcopus Baiocensis per vim ei abstulit, et Adelulfo suo camerario dedit. Ib. 216.

[ADELIZ *v.* HUGH DE B.]

In hac eadem [terra in Oustone] reclamat Adeliz prædicta dimidiam virgatam et XXX. acras inter silvam et planum super Hugonem de Belcampo, et homines de hundred portant testimonium quod hac terra jacuit tempore regis Edwardi cum alia terra quam tenet Adeliz, et ille qui hanc terram tenuit potuit dare vel vendere cui voluit. Hanc terram Radulfus injuste occupavit, quando vicecomes fuit. Ib. 217 b.

[BISHOP WULSTAN. WRIT.]

Bricstuinus tempore regis Edwardi tenuit in Alvestone VII. hidas et dimidiam. De hac terra habuit Eldred archiepiscopus socam et sacam, et tol et teim, et cerset, et omnes alias forsfacturas præter illas IIII. quas rex habet per totum regnum. Hoc testantur filii ejus Leuuinus, Edmar et alii IIII. sed nesciunt de quo an de æcclesia an de comite Leuric cui serviebat hanc terram tenuit. Dicunt tamen quod ipsi tenuerunt eam de L. comite, et quo volebant cum terra poterant se vertere. Reliquas autem VII. hidas et dimidiam tenuit Britnoldus et Aluui tempore regis Edwardi. Sed comitatus nescit de quo tenuerint. Wlstanus episcopus dicit se hanc terram deplacitasse coram regina Mathilde in præsentia IIII. vicecomitatuum, et inde habet breves regis Willelmi, et testimonium comitatus Waruuic. Ib. 238 b.

[CHURCH OF ST. MARY *v.* ROBERT.]

In hoc manerio [Brunfelde] tempore regis Edwardi erant XX. hidæ, et totum habebant XII. canonici ipsius æcclesiæ [Sanctæ Mariæ]. Unus eorum Spirtes nomine tenebat solus X. hidas. Sed cum fuisset exulatus ab Anglia, dedit rex Edwardus has X. hidas Roberto filio Wimarch sicut canonico. Robertus vero dedit eandem terram cuidam suo genero. Quod cum canonici indicassent regi, confestim præcepit ad æcclesiam terram reverti, tantummodo inducians donec ad curiam instantis Natalis Domini Roberto juberet ut genero suo terram aliam provideret. Ipse autem rex in ipsis festis

diebus obiit, et ex eo usque nunc æcclesia terram perdit. Hanc tenet modo Robertus de comite Rogerio, et vasta est et vasta inventa est. Ib. 252 b.

[BISHOP OF CHESTER.]

In manerio Roberti filii Hugonis calumpniatur episcopus de Cestre II. hidas quas de episcopatu erant tempore Cnut regis, et comitatus ei testificatur, quia Sanctus Cedda injuste perdit. Ib. 263.

[ILBERT *v.* ROGER OF POITOU.]

De hac terra [in Crophille] fuit saisitus Ilbertus de Laci, sed quando Rogerius Pictaviensis accepit terram, saisivit istud manerium super Ilbertum. Wapentac portat testimonium Ilbertum fuisse saisitum, modo est in manu regis. Ib. 291.

[ABBOT OF ST. PETER *v.* BALDWIN.]

Hanc [terram in Dodintune] tenet Balduinus de rege, abbas vero clamat ad opus Sancti Petri, testimonio hominum totius comitatus. Ib. 370.

[THE KING *v.* A CERTAIN CLERK.]

Quidam clericus comitis E. invaserat XLII. acras, et tenebat illas ad feudum comitis E., sed hundred eas testatur ad Neuport, et ita modo habet rex. Clericus vero judicatus est in misericordia regis, et de omni cessu, et de corpore suo. 2 Doomsday, 7.

[THE KING *v.* CHURCH OF ST. PETER. FALSE WRIT.]

Hec terra [in Phantuna] calumpniata est ad opus regis quod per falsum brevem venerit ad ecclesiam [Sancti Petri]. Ib. 14.

[CHURCH OF ELY *v.* ODO. VOUCHER TO WARRANT.]

Odo homo Suani accepit X. acras, quæ fuerunt de ecclesia [de Eli], et hundred hoc testatur, sed vocat dominum suum ad tutorem. Ib. 18 b.

[A CERTAIN FREEMAN *v.* TOROLD.]

Quidam liber homo tenuit in Eilesforda dimidiam hidam, quem [1] invasit Toroldus sicut aliam terram, et quando recepit, dimidia

[1] quam.

carucata, modo nulla, sed potest esse, et hundred nescit quomodo habet hanc terram, et quia neque legatus neque alius homo venit ex parte sua qui derationasset hanc terram, ideo est in manu regis cum alia. Ib. 25 b.

[RANULF PIPERELL *v.* A CERTAIN SOLDIER. VOUCHER TO WARRANT.]

Ranulfus Piperellus calumpniatur dimidiam hidam, et XVIII. acras que jacent ad ecclesiam hujus manerii [Borham] et dimidiam ecclesiam, et Ingelricus [invasor] non fuit saisitus, sed comes E. dedit cuidam suo militi unde revocat eam ad defensorem. Ib. 31 b.

[MANOR OF LEGRA. LAND OF SCALPIN.]

Istud quoque manerium [Legra] tempore regis Edwardi dedit Esgarus Haroldo, et Heroldus iterum dedit cuidam suo huscarlo, nomine Scalpino, et iste Scalpinus dedit uxori suæ in dote, videntibus II. hominibus, scilicet Rogero marescalco, et quodam Anglico, et hoc testatur hundred, quod audierunt recognoscere Scalpino, et postquam rex venit in hanc terram tenuit ipse, donec ivit ubi mortuus fuit in Ebroica, in utlagaria. Ib. 59.

[FEE OF GEOFFREY DE M.]

Hec III. maneria [in Essexa] præcepit rex per Robertum de Oilleio, ut Hugo teneret de Goisfrido de Magnavilla, si ipse G. posset ea deratiocinari ad suum feudum, et antequam G. derationaret ea pertinere suo feudo, Hugo ea tenuit de Goisfrido. Ib. 61.

[CERTAIN FREEMEN. CLAIM OF AITARD.]

Ex his [liberis hominibus] tenuit Roger [Bigot] comes III. integros cum terra, XII. acris et dimidia, quando se forisfecit, modo tenet Aitardus homo Rogeri Bigot, et reclamat ex feudo episcopi Baiocensis. Sed iste Aitardus non habet ab antecessore suo nisi in uno dimidio commendationem, teste hundret. Ib. 124.

[TARALD *v.* GODRIC.]

Hunc [liberum hominem presbyterum] tenuit Leustan antecessor Tiheli, tempore regis Edwardi, et Radulfus eum tenuit quando

forisfecit, et est de soca de Caustuna, modo eum tenet Godricus. Sed Taraldus homo Willelmi de Warrena eum saisivit super regem et tenuit per tres annos, modo derationatus est super eum, et reddit Turaldus V. solidos de catallo regis et dedit vadem de justitia facienda. Ib. 133.

[ROGER *v.* ALVIN DE T. WRIT OR LIVERY OF SEISIN.]

Hals tenuit Alestan, teinnus Heroldi tempore regis Edwardi, I. carucata terræ, et XL. acræ. . . . Hic Alestanus commendavit se Alwino de Tedford, tempore regis Willelmi, et ex hoc erat saisitus quando rex Willelmus dedit Rogero terram illius, sed hundred non vidit brevem vel liberatorem quod daret Alvino. Ib. 181 b.

[GODRIC *v.* ROGER SAD.]

In Hethingham I. liber homo Bondo, XXX. acræ terre, quem tenet Rogerus Sad feudum Ulchetelli, sed ipse Ulchetel habuit dimidiam commendationem de illo, tempore regis Edwardi et de uxore ipsius totam commendationem, et Godricus dapifer eum calumpniatur quod eum tenuit quando Radulfus comes forisfecit, et hundret testatur quod serviebat Godrico sed nesciunt quomodo. Ib. 182 b.

[AITARD *v.* ROGER BIGOT.]

Modo tenet Rogerus Bigot [I. liberum hominem nomine Gert], et revocat ad feudum suorum liberorum ex dono regis, et Aitardus contradicit hundret qui hoc testatur sed Meinardus affirmat cum hundreto. Ib. 185 b.

[ROGER BIGOT.]

Modo Rogerus Bigot revocat [terram in Stertstuna] ad feudum liberorum suorum ex dono regis. Sed hundred testatur quod quando Ricardus Punnatus erat præpositus in Hersam, pertinebat in Hersam sed ille qui modo tenet, tunc subpræpositus Ricardi, in Ersam, abstulit, et teste hundredo et dedit censum in Ersam, XX. solidos, et VI. d. unoquoque anno de hac terram,[1] nominatim, et de alia, sed hoc anno non reddidit, et W. de Noiers habuit hucusque censum. Ib. 186.

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[1] terra.

[A certain Freeman. Proof by Ordeal offered.]

Unum ex illis septem [liberis] de Taseburc calumpniatur Hermer, et quidam Anglicus suus homo ex hoc offert judicium, quod suus antecessor erat ex eo saisitus die qua rex Edwardus vivus fuit et mortuus, et hoc contradicit totus hundred vel bello vel judicio, ex hoc dedit ille Anglicus vadem. Ib. 190.

[Land of William de S. The King vouched to Warrant.]

Hanc terram [in Ecleuuartuna] tenuit Rafridus, et comes Radulfus derationavit dimidiam, et tenuit ea die qua forisfecit. Modo eam tenet Uroius homo Rafridi ad feudum Willelmi de Scohies et revocat regem ad tutorem. Ib. 221 b.

[Roger Bigot *v.* Ralph.]

Hanc terram tenet Radulfus in Neketuna sed non jacuit in Neketuna tempore regis Edwardi nec tempore Heroldi, et Rogerus Bigot eam revocat de dono regis, et revocat liberatorem. Ib. 236.

[Ralph de W. *v.* Bodin de W.]

Hii [XIIII. liberi homines] fuerunt commendati antecessori Radulfi de Waer, post liberati sunt Bodin de Uer ex parte regis. Postea derationavit eos ad suum feudum, Radulfus, et quum forisfecit tenebat eos, Herueus de Uer de illo. Hoc testatur hundret. Ib. 242.

[Bainard *v.* Robert, Son of C.]

Rotbertus, filius Corbutionis calumpniatur hanc terram [in Santagrava], ex liberatione sed Bainardus primum fuit saisitus, et post Rotbertus et hundred nescit quomodo. Ib. 253 b.

[Situation of Freemen.]

De istis [XVII. liberis hominibus] calumpniatur I. serviens regis, ad feudum Radulfi comitis, XIII. et dimidium, quos tenebat quando se forisfecit quocumque, judicio judicatus et hoc hundred testatur, et tenent LXXX. acras terre, et II. acras prati, et reddunt, in Snaringa, XVII. solidos, et IIII. d. Ib. 258.

[ISAAC v. A CERTAIN NUN.]

In Sinthinga, calumpniatur quedam paupera monialis IIII. acras terre quas illa tenet sub Radulfo tamen[1] ante et postquam se forisfecisse et ita testatur hundred, et Isac revocat ex dono regis, ad feudum suum. Ib. 264 b.

[A FREE WOMAN v. AITARD. PROOF BY ORDEAL OFFERED.]

In Brambetuna tenet Aitardus de Rogero XVI. acras, quod tenuit libera femina commendatione Edrici, et R. comes tenebat quando forisfecit, teste hundred, et Robertus Blundus postea in manu regis, et modo tenet Aitardus homo Rogeri Bigot commendatione postquam Rogerus forisfecit. Ita hundred esse testatur, et illa femina offert judicium quod verum est teste hundred, et Aitardus contradicit, et sub ea sunt II. integri liberi homines. Ib. 277 b.

[ROGER BIGOT AND GODRIC. PROOF BY ORDEAL OR BATTLE OFFERED.]

In Bichesle I. liber homo Anslec commendatus, cum dimidio libero tempore regis Edwardi, de XVII. acris. . . . Istum servavit Rogerus Bigot in manu regis sicut dicit et reddit censum in hundred, sed hundred testatur, quod Godricus dapifer tenuit sub rege, ad feudum Radulfi comitis antequam forisfecit I. anno, et post per II. annos ex dono regis, et contra, homo Rogeri Bigot contradicit juditio vel bello. Ib.

[THE KING v. BURCHARD. PROOF OFFERED "OMNI MODO."]

Et hundred testatur quod vere rex et comes habuit socam et sacam [in Melnessa] tempore regis Edwardi sed homines illius ville testantur quod Burchardus similiter habuit socam de liberis hominibus sicuti de suis villanis, et non habet aliquid testimonium post se, et tamen volunt probare omni modo. Ib. 285 b.

[ALURIC v. ROGER BIGOT. THE KING VOUCHED TO WARRANT.]

Et quando Robertus Malet habuit [Scoteleiam et Bercolt], reddebat totum simul LX. libras ad pensum, et VIII. libras ad numerum

[1] tam.

de gersumma, et tantundem modo reddebat Rogero Bigoto ut ipse præpositus dicit, sed Rogerus dicit quod reddebat plus XL. solidos ad numerum, et unam marcam auri, sed Aluricus præpositus contradicit, et Rogerus vult probare per illos homines qui ad suas conventiones fuerunt. Modo reddit ille Aluricus LX. libras ad pensum, et sic tenet de rege tali conventione quod debet facere regi LX. libras de proficuo, et ex hoc revocat regem ad warantum, sic ipse dicit, et dicit etiam quod non remanet in eo quod non facit illud proficuum. Ib. 287 b.

[Edric, a Freeman. Proof by Ordeal offered. Voucher to Warrant.]

Hunc Edricum[1] saisivit rex Edwardus in sua manu postea non vidit hundret ut ad Edricum dominum suum rediret, sed tunc ipse dicit et offert juditium quod rediit, et liberos homines quos habet sub se commendatos tenet, et ex eis revocat Robertum warantum. Ib. 311.

[Robert Fardenc. Proof against the Hundred offered "omnibus legibus."]

Hanc terram [in Cebbenhala] calumpniatur, Robertus Fardenc homo Godrici dapiferi, ad manerium regis de Melnesam, et dicit quod Galterus Dedol[2] tenuit quando forisfecit, et hoc vult probare contra totum hundred, omnibus legibus. Ib. 371.

[Abbot of St. Edmund (?) and Robert.]

Eodem tempore fuerunt furati equi inventi, in domo istius Brungari, ita quod abbas cuius fuit soca et saca et Rodbertus qui habuit commendationem super istum [Brungarum], venerunt de hoc furto ad placitum et sic hundred testatur. Discesserunt amicabiliter sine iuditio quod vidissed hundret. Ib. 401 b.

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[1] Edric had commended himself with his lands and men to another Edric, who had been outlawed by Edward the Confessor, and afterwards pardoned and restored to his rights; permission being given all his men to return. It was alleged that the abovementioned Edric had not returned.

[2] de Dol?

[Ranulf v. Ralph.]

Hic Brictmarus [liber homo commendatus] habuit plures terras et quedam pars fuit liberata ex parte regis Ingelrico. Et alie partes, Randulfo fratri Ilgeri, et tertia pars Radulfo Pinello, et in ista tertia parte fuit ista supradicta terra deliberata Radulfo sicut ipse dicit et idem perhibet hoc testimonium, quod ipse fuit saisitus inprimis, set utrum ex parte regis necnon fuisset saisitus illud ignorant, et dicunt etiam, quod istam terram Randulfus calumpniavit super Radulfum, et vicecomes Rogerus denominavit illis constitutum tempus M. ut ambo adfuissent. Ranulfo adveniente, defuit Radulfus, et idcirco diiudicaverunt homines hundreti, Rannulfum esse saisitum, qui modo tenet set Radulfus Pinel negat quod non fuit summonitus de eo placito. Ib. 424.

[Richard de Curci v. The Father of R. M. Fine. Temp. Hen. I.]

Domus Siwardi Lenerunsonne reddebat tempore regis Edwardi consuetudinem. Modo tenet Robertus Maledoctus, et facit similiter consuetudinem. Sed pater ipsius Roberti præoccupavit vicum I. in illa domo, unde Ricardus de Curci eum implacitavit, qui erat tunc justicia regis et tunc antea justiciam regis de hoc placito fecit finem et hec domus, et alie sue domus reddunt VI. lib. et XVI. sol. 4 Doomsday, 534.

D.

APPEAL OF TREASON.

[The King v. Bishop William of St. Carilef. 1088.][1]

[The king (William Rufus) having disseised the bishop of St. Carilef of his lands, and the lands of his church, for alleged treason, the bishop sends letters to the king, asking for restitution, but without success; the king insisting that the bishop shall first purge himself of the charge of treason, and the bishop refusing. Afterwards in a personal interview with the king (held under promise of safety) the bishop offers to purge himself of the "crimes and perjury" charged upon him, but the offer is refused, because it is made "recto judicio mei *ordinis*;" that is, the accused offers to purge himself as a bishop, and the king demands that he shall

[1] 1 Monasticon, 244—250 (ed. 1846), abridged.

purge himself "laicaliter." In a letter sent to the king after this interview, the bishop says: "Si adhuc in sententia illa, ut me purgare debeam laico more perseveratis, de hoc prius paratus sum recto judicio judicari, *ea quidem condicione*, ut si quis me in justo judicio opprimere voluerit, securitate predicte pacis conservata, liceat mihi contradicere secundum recta judicia mei ordinis in eo loco ubi canonice judicatum fuerit, et quicquid ibi recte judicabitur, ex toto profiteor me sequi, sive carcerali pena cruciari, seu honoris dignitate privari." The king replies by seizing the messenger and sending his army against the bishop. After ravaging the country, the king's generals arrange a safe conduct for the bishop through the lines to the King's Court; which was then in attendance upon the king, aiding him in the suppression of the rebellion set on foot at the beginning of his reign. The court consisted of the king's retinue of great men, archbishop Lanfranc, archbishop Thomas, the bishops, earls, barons, and officers of the army. After entering the court, the bishop arises, and, addressing the king, prays to be restored to the enjoyment of his bishopric, of which he has been deprived, as he says, "sine judicio." He is told that he must first answer the king. This he refuses to do, and claims exemption as an ecclesiastic from trial by the court. The record proceeds:] Tunc Hugo de Bello-Monte ex precepto regis surgens dixit episcopo, "Rex te appellat, quod cum ipse audivit quod inimici sui super eum veniebant, et homines sui, episcopus scilicet Baiocensis,[1] et Rogerus comes et alii plures regnum suum pariter sibi et coronam auferre volebant, et ipse per consilium tuum contra illos equitabat: ipse te, me audiente, summonuit, ut cum eo equitares, tu vero respondisti ei, te cum septem militibus, quos ibi habebas, libenter iturum, et pro pluribus ad castellum tuum sub festinacione missurum, et postea fugisti de curia sua sine ejus licentia, et quosdam de familia sua tecum adduxisti, et ita in necessitate sua defecisti, et modo vult ut inde sibi facias quod curia sua judicabit, et si necesse fuerit postea te pluribus appellavit." [The bishop persists in refusing to be tried on the charge until the king first hears his complaint for the disseisin of his dignities and temporalities. The question is then taken into consideration on suggestion of the bishop of Coutances whether the king ought first to hear the accused; the latter retiring with his retainers until a decision is made by the court. A conclusion having been reached, the bishop returns, and

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[1] Odo, bishop of Bayeux, who had been imprisoned by his brother, the Conqueror, was released by the latter on his deathbed.

answer is given him by the archbishop of York that he must first submit to trial upon the appeal of the king. The bishop refuses, and interposes his clerical order as a protection against the proceedings, but archbishop Lanfranc replies :] "Nos non de episcopio sed de tuo te fedo judicamus, et hoc modo judicavimus Baiocensem episcopum ante patrem hujus regis de fedo suo,[1] nec rex vocabat eum, episcopum in placito illo, sed fratrem et comitem." Et episcopus ait, "Domine archiepiscope, ego nullam feci hodie mentionem vel fedum habere me dixi, sed de episcopii mei dissaisione conquestus sum et conqueror," et archiepiscopus, "Si nunquam, inquit, audiam te loqui de fedo, scio te tamen magnum fedum habuisse, et inde te judicavimus." [The bishop now alleges an appeal to the pope.] Cumque episcopus egrederetur et vocatus regrederetur, Hugo de Bello-Monte surgens dixit episcopo, "Domine episcope, regis curia et barones isti vobis pro justo judicant, quando sibi vos respondere non vultis de hiis de quibus vos per me appellavit, sed de placito suo invitatis eum Romam, quod vos fedum vestrum inde forisfacitis ;" et episcopus respondit, "In omni loco in quo non violentia sed justicia dominetur, de scelere et perjurio me purgare paratus sum, et hoc quod hic pro judicio recitasti in Romana ecclesia falsum et injuste dictum esse monstrabo." "Ego, inquit Hugo, et compares mei parati sumus judicium nostrum in hac curia confirmare."

The remainder of the case is mainly taken up with angry altercations between the king and the court on the one side, and the bishop on the other, concerning the right of the latter to go to Rome ; permission finally being granted.

E.

MINOR WRITS OF WILLIAM I., WILLIAM II., AND HENRY I.

[BISHOP RANULF *v.* ALAN DE PERCY. TEMP. WM. I.][2]

[The king's writ of seisin.]

Willelmus rex Anglie, Thoma archiepiscopo, et Bertramo de Verdon, et baronibus suis Francis et Anglis de Everwicscire salutem. Sciatis me reddidisse Ranulpho episcopo Dunelmensi

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[1] *Ante*, p. 292. [2] 1 Monasticon, 241 (ed. 1846).

terras illas omnes, de quibus erat lis inter illum et Alanum de Perceio; et nominatim Lunt et Hogum, et quicquid pertinet Wellentone, et tu Bertrame saise eum inde. Testibus Willelmo cancellario, et comite de Mellent, et Roberto filio Hamonis apud Salesberiam, quarto die Theophanie.

[CANONS OF ST. MARY. TEMP. WM. II.][1]

[The king's writ directing the defendant not to require customs of the plaintiffs.]

W. rex, T. vicecomiti salutem. Mando tibi, quod ego terram canonicorum Sanctæ Mariæ de Lincolnia de omnibus costumis quietas concedo.

[CANONS OF ST. MARY. TEMP. WM. II.][2]

[The king's writ directing that the canons of St. Mary have tithes and customs.]

W. rex Anglorum, I. Tailebois et Osberto clerico salutem. Mando vobis et præcipio, ut canonici Sanctæ Mariæ de Lincolia ita bene habeant decimas suas et consuetudines, sicut eas melius habebant tempore patris mei. Teste R. episcopo.

[BISHOP HERBERT AND PETER DE VALONIIS. 1108.][3]

[The king's writ confirming a concord between the parties as to certain plough-land and pasture.]

Henricus rex Anglorum Herberto episcopo et Radulfo de Bellofago et omnibus baronibus suis, Francis et Anglis, de Southfolk et Northfolk, salutem. Sciatis me concessisse finem quam Herbertus episcopus et Petrus de Valoniis fecerunt inter se de Binham et Langham apud Norwic. in mea curia ante me et barones meos, et id unde erat contentio inter eos, præcipio ut illud quod aratum fuit die qua pater meus vivus et mortuus fuit, sit modo arabile: et quod illa die non erat aratum, sit modo communis pastura inter Langham et Binham. Teste Rogero episcopo Saresberie et Willielmo comite de Warenna et Gilberto de Aquila, Willielmo de Albini, et Rogero filio Ricardi et Gilberto fratre suo, et Otnero filio comitis, et Symon de Molendinis, apud Norwyc. in die Sancti Andreæ.

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[1] 6 Monasticon (part 3), 1272 (1846). [2] Ib.

[3] 3 Monasticon, 348 (1846).

F.

CLAIM OF INHERITANCE. VALIDITY OF MARRIAGE.

[Richard de Anesty v. Mabel de Francheville. 1158—1163.][1]

[The following is but a portion of a very lengthy case. The full report is nearly as tedious as the well-nigh interminable suit itself must have been. The extract given is complete so far as it goes, and is sufficient to indicate the nature and peculiarities of the litigation. The report is a detailed account of the costs and charges which the plaintiff incurred in recovering certain land as heir of his uncle, William de Sackville. The defendant was the sole surviving child of Adeliza (daughter of the vicecomes Aufred), by William. He had contracted a marriage with Adeliza in violation of a previous engagement of marriage with Albreda de Tregoz. Albreda thereupon instituted proceedings in the Ecclesiastical Court, and finally obtained a rescript from the pope declaring that the espousals between William de Sackville and herself having been contracted "per verba de præsenti" constituted a marriage, and that the second marriage was therefore void. Sentence of nullity was accordingly pronounced at a synod in London, and William thereupon returned to Albreda and cohabited with her until his death.[2]]

Hic est sumptus et custamentum quod ego, Ricardus de Aneste, posui, in terra Willielmi avunculi mei perquirenda. Scilicet in primum, misi quendam hominem meum in Normanniam, pro brevi regis, per quod posui adversarios meos in placitum: qui dimidiam marcam dispendidit in illo itinere. Et cum mihi nuncius meus breve apportasset, recepto brevi, porrexi Sarum cum brevi, ut ibi in sigillo reginæ reverteretur; et in illo itinere dispendidi duas marcas argenti.

Et cum inde redissem, audiens quod Radulfus Brito deberet transfretare, secutus sum eum usque Suhamtun, causa loquendi cum eo, ut perquireret mihi breve regis ad archiepiscopum; quia scivi quod placitum debebat in curia ejus divertere: et in illo itinere dispendidi viginti duos solidos et septem denarios, et amisi unum palefridum quem emeram pro quindecim solidis. Et inde reversus cum brevi reginæ, ivi Angriam, et tradidi breve Ricardo de Luci. Quo viso et audito, posuit mihi diem placitandi apud Norhanton in

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[1] 2 Palgrave, Commonwealth, 75. [2] Ib. 7, 8.

vigilia Sancti Andreæ. Et infra hunc terminum misi Nicholaum, clericum meum, propter Gaufridum de Tresgos, et propter Albredam sororem ejus, scilicet quæ fuit uxor avunculi mei, quos invenit in Norfolck apud Berneiam; et in illo itinere dispendidit quindecim solidos, et amisit unum runcinum quem emeram novem solidis.

Et cum redisset, ivi ad placitum meum apud Norhanton cum amicis et auxiliis meis; et in illo itinere dispendidi quinquaginta et quatuor solidos. Abhinc, posuit mihi diem alium apud Suhamtun ad quindecimum diem; et in illo itinere dispendidi quinquaginta septem solidos; et in illo itinere amisi unum runcinum qui valebat duodecim solidos. Postea venit Radulfus Brito, de Normannia, et apportavit mihi breve regis, per quod placitum fuit remotum in curiam archiepiscopi; et illud breve apportavi Theobaldo archiepiscopo, quem apud Wintoniam inveni; et in illo itinere dispendidi viginti quinque solidos et quatuor denarios; et tunc posuit mihi archiepiscopus diem ad festum Sancti Vincentii; et illud placitum fuit apud Lamhethe. Abhinc posuit mihi diem ad festum Sancti Valentini martyris; et in illo itinere dispendidi octo solidos et sex denarios; et illud placitum erat apud Maidestan.

Abhinc posuit mihi diem ad festum Sanctarum Perpetuæ et Felicitatis; et infra istum terminum ivi ad episcopum Wintoniæ, loqui cum eo, ut testificaret divortium quod ante illum fuerat factum in synodo Lundoniæ; et in illo itinere dispendidi unam marcam argenti. Et, accepto episcopi testimonio, veni ad diem meum prænominatum, munitus placitandi, et illud placitum erat apud Lamhethe; et ibi dispendidi triginta septem solidos et sex denarios. Exinde posuit mihi diem in proximo die Lunæ post "Lætare Jerusalem." Et infra hinc terminum ivi propter magistrum Ambrosium, qui cum abbate de Sancto Albano in Norfulc tunc erat; et in illo itinere dispendidi novem solidos, et quatuor denarios; et Samsonem, capellanum meum, misi pro magistro Petro de Melide usque Buchingham; et in illo itinere amisit palefridum suum, quem ei restitui per unam marcam argenti; et septem solidos ibi dispendiderat.

Perquisitis clericis prænominatis, veni ad diem meum, cum auxiliis meis apud Lundoniam; et in illo itinere dispendidi quinque marcas argenti. Exinde posuit mihi diem ad "Quasi modo geniti;" et infra hunc terminum misi Johannem, fratrem meum, ultra mare, ad curiam regis, quia dictum fuit mihi, adversarios meos perquisisse breve regis, se non placitaturos antequam rex Angliæ remearet. Et idcirco misi fratrem meum propter aliud breve, ne

placitum meum remaneret propter breve adversariorum meorum; et in isto itinere dispendidit frater meus tres marcas argenti; et ego ipse interim ivi Cicestriam loqui cum episcopo Hylario, ut testificaret divortium quod viderat esse factum ante dominum Wintoniensem in synodo Lundoniæ cujus testimonium recepi, scilicet literas suas, quas misit archiepiscopo, quibus testificavit divortium: et in illo itinere dispendidi quatuordecim solidos et quatuor denarios. Veni igitur ad diem meum apud Lundoniam, cum clericis et testibus et amicis et auxiliis meis; et moratus sum ibi per quatuor dies, quotidie placitans; et in illo itinere dispendidi centum et tres solidos.

Inde posuit mihi diem ad Rogationes. Et cum venissem ad diem meum apud Cantuariam, dixerunt adversarii mei, se nolle placitare pro summonitione exercitus regis de Tulus; et in hoc itinere dispendidi octo solidos, et inde recessi sine die.

[Many more lengthy and vexatious delays and journeys,[1] with changes of venue, and appeals to the pope,[2] follow, of the same fruitless nature, until finally the plaintiff obtains a writ summoning "adversarios suos" before the king.] Et venimus coram rege apud Wudestoche, ubi per octo dies morati sumus; et tandem, gratia domini regis, et per judicium curiæ suæ, adjudicata est mihi terra avunculi mei. Et ibi dispendidi septem libras et decem solidos.

Hæc sunt dona quæ dedi in curia archiepiscopi placitatoribus[3] et clericis mihi auxiliantibus, scilicet undecim marcas argenti. Et in curia domini Wintoniensis, quatuordecim marcas argenti, et magistro Petro de Melide decem marcas, et unum annulum aureum de dimidia marca argenti. Et magistro Roberto de Chimai unam

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[1] Resulting in all in the loss of six horses.

[2] The plaintiff, tired of repeated continuances, at one stage of the case obtains the king's permission to appeal to the pope, though judgment had not been given against him. The pope granted his writ directed to the bishop of Chichester and the abbot of Westminster, requiring them to try the cause, and a day is set for trial at Westminster; but with no better result. In the course of the proceedings there, the defendant takes an appeal to the pope, where the plaintiff was successful; "judicium de adulterio" having been rendered. The case then comes back to England.

[3] One of the plaintiff's counsel was the celebrated Ranulf de Glanvill, at that time sheriff of Yorkshire.

marcam. Et in Curia Regis dispendidi, in donis, in auro et in argento et in equis, sedecim marcas et dimidiam. Et magistro Petro de Littleberia dedi quadraginta solidos. Et in cæteris placitatoribus de amicis meis, qui ad placita mea solebant venire, dispendidi in argento et in equis donandis duodecim marcas et dimidiam.

G.

JUDGMENT OF TREASON UPON A VICE-CHANCELLOR AND CLERK.

[HENRY, SON OF THE KING, *v.* ADAM, VICE-CHANCELLOR. 1176.][1]

[The king's son Henry, called the young king, makes friends at Poictiers among his father's enemies. Whereupon the son's vice-chancellor writes to the king to inform him of the facts. But he is detected and arrested, and, a court being assembled by the young king, he is condemned to death. He is saved by the bishop of Poictiers as a clerk, and then ordered by the plaintiff to be scourged and imprisoned. The king orders the defendant to be sent to him, and commits him to the custody of the abbot of Hyde.]

Juvenis autem rex cum in reditu suo venisset usque Pictavim, milites nonnullos de Francia et Normannia, quos pater suus odio habebat, pro eo quod cum illo erant contra eum tempore guerræ, retinuit secum, et familiares suos fecit. Quod cum Adam clericus Rogerii Eboracensis archiepiscopo, qui vicem cancellarii in curia juvenis regis gerebat, loco Gaufridi præpositi Beverlaci, ad cujus opus prædictus Eboracensis archiepiscopus cancellariam Angliæ emerat [pro undecim] millibus marcis argenti, vidisset, doluit vehementer. Et sicut decebat, et sicut debitor erat domino regi qui eum cum filio suo posuerat, cui etiam ipse fidelitatem juraverat contra omnes homines, personæ suæ dedecus et regni sui gravamen, quod per advenas illos posset evenire, præmeditavit; sustinere non potuit nec debuit; sed statim arrepto stilo, capitula quædam turpissima et auditu horrenda scripto commendavit, et domini sui secreta detexit, et ea domino regi in Angliam mittere festinavit. Sed antequam mitterentur, mala sua detecta sunt et prolata in conspectu regis domini sui. Et ipse in medio ductus confessus est et non negavit. Tunc rex convocatis principibus suis, simul cum

[1] Gesta Hen. II., 122.

episcopo Pictavensi qui aderat; interrogavit eos quid super hujuscemodi re esset agendum; et quid faceret de proditore suo, qui cum esset secreti sui conscius, patrem suum in ipsum commovere voluit. Tunc quidam illorum judicabant illum reum esse mortis; quidam dignum suspendi, quidam vivum excoriari. Sed episcopus, cujus non erat judicio sanguinis interesse, eum liberare tentavit quia diaconus erat, asserens clericum in sacris ordinibus constitutum a laico non posse judicari. Tunc juvenis rex videns, quod propter episcopum qui clericum illum tutabatur, in eo animi sui motus sicut voluit vindicare non permittebatur, cogitavit quibus tormentis eum afficere potuit; ita tamen quod non interficeretur, sed observaretur, donec hoc nunciatum esset regi patri suo. Itaque post longum silentium ad se reversus, ait ministris suis, "Educite eum, et ligatis manibus a tergo, nudum per plateas et vicos civitatis flagellis cædite, clamantes, ut universi sciant, ipsum proditorem meum esse. Et ducentes eum in Normanniam, incarcerate eum apud Argentomium; et per quamcunque civitatem ingressi fueritis, eum nudum ducite flagellantes per vicos et plateas." Ipsi vero, sicut eis præceptum fuerat, fecerunt, et flagellatum incarceraverunt eum apud Argentomium. Cumque id domino regi nunciatum esset, indigne ferebat, et mittens quatuor milites de familia sua ad regem filium suum, mandavit ei, ut sine mora clericus ille ad eum mitteretur. Paruit ergo ipse mandatis patris sui, sed moleste ferebat, quod clericus ille vivus recederet ab eo. Qui cum in vinculis ad dominum regem in Angliam duceretur, noluit eum vinctum recipere, quia solutum eum tradiderat regi filio suo; sed præcepit, ut in vinculis custodiretur donec locutus fuisset cum concilio suo, quid de eo ageretur. Et eum custodiendum commendavit abbati de Hida Wintonæ.

The term "vice-chancellor" must not be taken as suggestive of a court of chancery at this time. It is used in a literal sense, of one acting in the place of the chief secretary, the chancellor. In this sense, it was at this time in common use, at least on the Continent. See 1 Roger de Hovenden, pp. 416, 438 (Bohn).

H.

WRITS FROM GLANVILL.

BREVE DE SUMMONITIONE FACIENDA PROPTER DEBITA REDDENDA.

Rex vicecomiti salutem. Precipe N. quod juste et sine dilatione reddat R. centum marcas, quas ei debet, ut dicit, et unde queritur,

quod ipse ei injuste deforciat et nisi fecerit, summone eum per bonos summonitores, quod sit coram me vel justiciis meis apud Westmonasterium a clauso Pasche in quindecim dies, ostensurus, quare non fecerit. Et habeas ibi summonitores et hoc breve. Teste etc. Lib. 10, c. 2.

BREVE DE SUMMONENDO PLEGIO DEBITORIS, QUOD REDDAT PRO EO, SI IPSE DEFECERIT.

Rex vicecomiti salutem. Precipe N. quod juste et sine dilatione acquietet R. de centum marcis versus N. unde eum aplegiavit, ut dicit, et unde queritur, quod eum non acquietavit inde, et nisi fecerit, summone eum per bonos summonitores etc. Lib. 10, c. 4.

BREVE DE SUMMONENDO DEBITORE DE VADIO ACQUIETANDO VERSUS CREDITOREM QUUM TERMINUM STATUTUM PRETERIIT.

Rex vicecomiti salutem. Precipe N. quod juste et sine dilatione aquietet rem illam, quam invadiavit R. pro centum marcis usque ad terminum, qui preteriit, ut dicit, et unde queritur, quod eum nondum acquietavit; et nisi fecerit etc. Lib. 10, c. 7.

BREVE DE RECTO PRO TENEMENTO LIBERO AD DOMINUM, DE QUO QUIS CLAMAT TENERE.

Rex comiti W. salutem. Precipio tibi, quod sine dilatione teneas plenum rectum N. de decem carucatis terre in Midelton, quas clamat tenere de te per liberum servitium centum solidorum per annum pro omni servicio vel per liberum servitium unde duodecim carucate terre faciunt feodum unius militis pro omni servitio, vel quas clamat pertinere ad liberum tenementum suum, quod de te tenet in eadem villa in Mortum per liberum servitium etc. vel per servitium etc. vel quas clamat tenere de te de libero maritagio M. matris sue, vel in liberum burgagium, vel in liberam elemosynam vel per liberum servitium eundi tecum in exercitum domini regis cum duobus equis ad custum suum pro omni servitio vel per liberum servitium inveniendi tibi unum arbelastarium in exercitum domini regis per quadraginta dies pro omni servitio, quas R. filius W. ei deforciat. Et nisi feceris, vicecomes de Northampton faciat, ne amplius clamorem audiam pro defectu justicie. T. etc. Lib. 12, c. 3.

BREVE DE RECTO PRO REDDITU LIBERO AD EUNDEM.

Rex N. salutem. Precipio tibi, quod sine dilatione plenum rectum teneas N. de centum solidatis redditus in villa illa, quam clamat tenere de te per liberum servitium etc. vel per servitium etc. Et nisi feceris, vicecomes Oxonie faciat, ne amplius inde clamorem audiam pro defectu recti. T. etc. Lib. 12, c. 4.

BREVE DE RECTO PRO TENEMENTO VEL REDDITU LIBERO.

Rex R. salutem. Precipio tibi, quod juste et sine dilatione habere facias N. et A. uxori sue, rationabilem partem suam, que eos contingit de uno mesuagio in illa villa, quam clamant pertinere ad liberum tenementum suum, quod tenent de domino rege in eadem villa per liberum servitium duorum solidorum per unum annum, vel de una marcata redditus in illa villa, quam clamant de libero maritagio ipsius A. unde queruntur, quod B. soror ipsius A. eis deforciat, vel quam G. eis deforciat. Et nisi feceris, vicecomes faciat ne amplius oportet inde conqueri pro defectu justicie. T. etc. Lib. 12, c. 5.

BREVE DE RECTO DE NON VEXANDO TENENTE INDEBITIS CONSUETUDINIBUS ET SERVITIIS.

Rex N. salutem. Prohibeo tibi, ne injuste vexes vel vexari permittas H. de libero tenemento suo, quod tenet de te in illa villa; nec inde ab eo exigas vel exigi permittas consuetudines vel servitia, que tibi inde facere non debet, vel que antecessores sui inde non fecerunt, nec facere debuerent tempore H. regis, avi mei. Et nisi feceris, vicecomes faciet, ne oportet eum amplius inde conqueri etc. T. etc. Lib. 12, c. 10.

BREVE DE NATIVIS ET FUGITIVIS.

Rex vicecomiti salutem. Precipio tibi, quod juste et sine dilatione facias habere M. R. nativum suum et fugitivum suum cum omnibus catallis suis et cum tota sequela sua, ubicunque inventus fuerit in balliva tua, nisi sit in dominico meo, qui fugit de terra sua post primam coronationem meam. Et prohibeo, ne quis eum injuste detineat super forisfacturam meam. T. etc. Lib. 12, c. 11.

BREVE DE AISIAMENTIS CONSUETIS HABENDIS IN BOSCO ET PASTURA IN LIBERIS TENEMENTIS.

Rex vicecomiti salutem. Precipio tibi quod sine dilatione precipias R. quod juste et sine dilatione permittat habere H. aisiamenta sua in bosco et in pastura de villa illa, que habere debet, ut dicit, sicut ea habere debet et habere solet, et non permittas, quod prefatus R. vel alius ei inde molestiam vel injuriam faciat, ne amplius etc. T. etc. Lib. 12, c. 14.

BREVE DE FACIENDIS RATIONABILIBUS DIVISIS INTER DUO TENEMENTA.

Rex vicecomiti salutem. Precipio tibi, quod juste et sine dilatione facias esse rationabiles divisas inter terram R. in illa villa, et in pertinentiis et terram D. in illa villa, sicut esse debent et solent esse et sicut fuerunt tempore regis Henrici, avi mei, unde R. queritur, quod A. injuste et sine judicio occupavit inde plus, quam pertinet ad liberum tenementum suum de villa, ne oporteat etc. T. etc. Lib. 12, c. 16.

DE MORTE ANTECESSORIS, CUJUS HERES MAJOR EST.

Rex vicecomiti salutem. Si G. filius F. fecerit te securum de clamore suo prosequendo, tunc summone per bonos summonitores duodecim liberos et legales homines de visineto de illa villa, quod sint coram me vel justiciis meis eo die parati sacramento recognoscere, si T. pater predicti G. fuit seisitus in dominico suo, sicut de feodo suo de una virgata terre in illa villa die, qua obiit, si obiit post primam coronationem meam, et si ille G. propinquior heres ejus est et interim terram illam videant, et nomina eorum imbreviari facias et summone per bonos summonitores R. qui terram illam tenet, quod tunc sit ibi auditurus illam recognitionem et habeas ibi summonitores etc. T. etc. Lib. 13, c. 3.

BREVE DE FACIENDA SEISINA PETENTI POST RECOGNITIONEM FACTAM.

Rex vicecomiti salutem. Scias, quod N. diracionavit in curia mea, seisinam tante terre in illa villa per recognitionem de morte illius antecessoris sui versus R. Et ideo tibi precipio, quod seisinam illam ei sine dilatione haberi facias. T. etc. Lib. 13, c. 8.

BREVE DE SUMMONENDA RECOGNITIONE UTRUM PATER MINORIS, CONTRA QUEM ALIUS PETIT RECOGNITIONEM DE MORTE ANTECESSORIS, SEISITUS FUERIT DE ALIQUO TENEMENTO DIE QUA OBIIT, UT DE FEODO VEL UT DE WARDA.

Rex vicecomiti salutem. Summone per bonos summonitores duodecim liberos et legales homines de visineto de illa villa, quod sint coram me vel justiciis meis ad illum terminum parati sacramento recognoscere, si R. pater N. qui infra etatem est, seisitus fuit in dominico suo de una carucata terre in illa villa, unde M. filius et heres T. petit recognitionem de morte ipsius T. patris sui versus ipsum N. ut de feodo suo die, qua obiit vel ut de warda. Et nomina eorum imbreviari facias. Et summone per bonos summonitores predictum N. qui terram illam tenet quod tunc sit ibi auditurus illam recognitionem. Et habeas etc. Lib. 13, c. 14.

BREVE DE SUMMONENDA RECOGNITIONE DE ULTIMIS PRESENTATIONIBUS PERSONARUM.

Rex vicecomiti salutem. Summone per bonos summonitores duodecim liberos et legales homines de visineto de villa illa, quod sint coram me vel justiciis meis eo die parati sacramento cognoscere, quis advocatus presentavit ultimam personam, que obiit, ad ecclesiam de illa villa, que vacans est, ut dicitur, et unde N. clamat advocationem. Et nomina eorum imbreviari facias et summone per bonos summonitores R. qui presentationem ipsam deforciat, quod tunc sit ibi auditurus illam recognitionem. Et habeas etc. T. etc. Lib. 13, c. 19.

BREVE DE SUMMONENDA RECOGNITIONE, UTRUM ALIQUOD TENEMENTUM SIT LAICUM VEL ECCLESIASTICUM.

Rex vicecomiti salutem. Summone per bonos summonitores duodecim liberos et legales homines de visineto de illa villa, quod sint coram me vel justiciis meis eo die parati sacramento recognoscere, utrum una hida terre, quam N. persona ecclesie de illa villa clamat ad liberam elemosynam ipsius ecclesie sue versus R. in illa villa, sit laicum feodum ipsius R. an feodum ecclesiasticum. Et interim terram illam videant et nomina eorum inbreviari facias. Et summone per bonos summonitores predictum R. qui terram illam tenet, quod tunc sit ibi auditurus illam recognitionem. Et habeas ibi etc. T. etc. Lib. 13, c. 24.

BREVE DE NOVA DISSEISINA DE LIBERO TENEMENTO.

Rex vicecomiti salutem. Questus est mihi N. quod R. injuste et sine judicio disseisivit eum de libero tenemento suo in illa villa post ultimam transfretationem meam in Normanniam. Et ideo tibi precipio quod si prefatus N. fecerit te securum de clamore suo prosequendo, tunc facias tenementum illud reseisiri de catallis, que in eo capta fuerunt et ipsum tenementum cum catallis esse facias in pace usque ad clausum Pasche et interim facias duodecim liberos et legales homines de visineto videre terram illam et nomina eorum imbreviari facias et summone illos per bonos summonitores, quod tunc sint coram me vel justiciis meis parati inde facere recognitionem. Et pone per vadium et salvos plegios predictum R. vel ballivum suum, si ipse non fuerit inventus, quod tunc sit ibi auditurus illam recognitionem. Et habeas ibi etc. T. etc. Lib. 13, c. 33.

BREVE DE NOVA DISSEISINA DE FOSSATO LEVATO VEL PROSTRATO.

Rex vicecomiti salutem. Questus est mihi N. quod R. injuste et sine judicio levavit quoddam fossatum vel prostravit in illa villa ad nocumentum liberi tenementi sui in eadem villa post ultimam transfretationem meam in Normanniam. Et ideo tibi precipio, quod si prefatus N. fecerit te securum de clamore suo prosequendo, tunc facias duodecim liberos etc. videre fossatum illud et tenementum et nomina eorum imbreviari facias. Et summone per bonos summonitores etc. ut prius. Lib. 13, c. 35.

BREVE DE NOVA DISSEISINA DE COMMUNI PASTURA.

Rex vicecomiti salutem. Questus est mihi N., quod R. injuste et sine judicio disseisivit eum de communi pastura sua in illa villa, que pertinet ad liberum tenementum suum in eadem villa vel in illa alia villa, post ultimam meam transfretationem in Normanniam. Et ideo precipio tibi, quod si prefatus N. fecerit te securum de clamore suo prosequendo, tunc facias duodecim liberos etc. videre pasturam illam et tenementum et nomina eorum etc. Lib. 13, c. 37.

GLOSSARY.

Abbas: an abbot.

Abbatia: an abbey.

Abbatissa: an abbess.

Acra: an acre.

Adresciare: to give redress.

Advocatio: an advowson; a right to present a clerk to a benefice. Sometimes, also, a summons.

Affidare: to swear.

Allecia: herrings.

Antecessor: a predecessor in right; not used in the sense of the modern English law.

Apparitor: a public summoner, having also, it seems, some judicial functions. See the acts of Fulc in the case of Ailward, p. 260. Perhaps at this time one empowered to make presentments under the assize of Clarendon.

Appellatio: an appeal or complaint of tort or crime; also taking a cause to a court of review,—*i. e.* to the pope.

Aqua: the ordeal of hot or cold water.

Assisa: an assise; a law; a mode of trial; the body selected to carry out the trial; the trial itself (Stubbs).

Attitulare: to grant or give.

Baillia, Bailliva: a bailiwick.

Baillivus, Ballivus: the bailiff of a lord.

Balistarius: a cross-bowman.

Ballivus: the bailiff of a lord.

Bannamleuca: territory a league (or thereabouts) in diameter, surrounding a possession.

Bellum: trial by battle.

Bocland: land held by charter, which had been folkland, that is, common land of the public. The charter was always attested by the Witan or Council, because the land belonged to the public. And this consent was in the nature of an adjudication in favour of the grantee, and hence the efficacy of the charter. It was also exempt, or might be, from all the burdens of folkland, except the *trinoda necessitas*. Allodial lands granted by book (charter) were in a sense bookland, but not in the sense of bookland proper, as explained. It could only have been *evidence* of title,—not an adjudication of title. Mr. Allen has well explained the distinctions between the several classes. Royal Prerogative, 135, 136, 149, 150. See also Schmid's Gesetze, Glossary, *sub voce.*

Bordarius: a small landholder, having a cottage (bord), nearly identical with cottarius (1 Ellis, Introd. 82).

Boscus: a wood.

Bovata: an oxgang of land, varying in quantity from eight to twenty-four acres; as much as an ox-team could plough in a year (1 Ellis, Introd. 156).

Breve: a writ.

Calumnia, Calumpnia: a claim; a complaint; a wrong.

Calumniare, Calumpniare: to claim; to complain.

Camerarius: a chamberlain.

Cancellarius: a chancellor.

Cariagium: carriage.

Carucata: a carucate; as much arable land as could be ploughed with one plough in a year; an amount of land varying in extent till the year 1194, when it became fixed at 100 acres (Stubbs).

Carucca: a plough.

Catalla: chattels.

Cellerarius: a cellarer.

Cheries: the face.

Childwite: a fine for getting a villana with child (Stubbs).

Circsceat, Cirichescot: churchscot; church-tax.

Clamare: to claim. Clamare quietus, to quit-claim.

Clamor: a claim; a complaint.

Comes: an earl.

Comitatus: a county; a county court.

Commendare: to put oneself, and usually one's land, under protection of another. See the Introduction, *sub fin.*

Conquestio: a complaint.

Conventus: a convent.

Coquinarius: a cook.

Corredium: a corrody; an allowance of meat, drink, and clothing due to the nominee of the founder of a religious house, or of the founder's heirs.

Cottarius: a cottager; a small landholder, like a bordarius (1 Ellis, Introd. 84).

Cuppa: a measure; a cup (see 1 Twysden's Script. 614).

Curia Christianitatis: the Ecclesiastical Court.

Curia Regis: the King's Court; sometimes the Great Council (see the Introduction).

Damnare, Dampnare: to claim.

Damnum, Dampnum: damage.

Dapifer: a steward.

Decima: a tithe.

Denarius: a penny; money.

Deraciocinare, Deratiocinare, Desracionare, Desrationare, Dirationare, Disraciocinare, Disratiocinare: to prove; hence often to recover. Modern Eng. law "deraign."

Deraciocinatio, Dirraciocinatio, Dirationamentum: proof; recovery; judgment.

Dextrarius: a war-horse (held *dextra manu*).

Dirationamentum: see Deraciocinatio.

Dissaisina, Disseisina: a disseisin.

Dissisiare, Dissaisire: to disseise.

Dominium: demesne; domain.

Domnus: title given an abbot by his house.

Drenges: probably a class of allodial tenants (1 Ellis, Introd. 56). According to Spelman (Glossary, Drenches), they were military tenants; but this, it seems, was not their first situation (see Preface to this book).

Duellum: trial by battle.

Emptiones: property acquired by money-purchase. The "perquisitions" were probably property otherwise acquired (except by descent), as by gift or increment. See p. 230. Both were alienable from the heir. Laws Hen. I., c. 70; Glanvill, lib. 7, c. 1.

Escambitio: an exchange.

Escampa: evasion. Compare English scamper, scamp.

Escangium: an exchange.

Esnamiare: to distrain.

Essarta, Exartæ: essarts; clearings in the forests.

Essonia: an essoin; an excuse for non-appearance at court in answer to summons.

Excambium : an exchange.
Exclusa : a sluice.

Falconarius : a keeper of hawks.
Faldum : a fold.
Falsitas : forgery.
Falsonaria : forgery.
Falsonarius : a forger.
Ferdwite : a fine paid for exemption from expedition.
Ferma : ferm or farm; a fixed rent; the profits of the county jurisdictions.
Ferrum : the ordeal of hot iron.
Feudatus : a feudatory; one invested with a feud.
Fidejussor : a surety.
Fidelitas : fealty.
Fihtwite : a fine for fighting.
Fines : termination of a suit by concord, generally applied to real property suits; a conveyance of land by fine and concord.
Flymena : a fine for harbouring fugitives or outlaws.
Folcland : common land of the public, in distinction from bocland; as to which see *supra*.
Foresteal : an assault.
Forisfacere : to forfeit or commit forfeiture; to do wrong.
Forisfactura : forfeit or forfeiture; a tort or wrong.
Frymthe : a fine for harbouring fugitives or outlaws.

Gablum : rent.
Garba : a sheaf of corn.
Geldare : to pay tax.
Geldum : tax; money dues.
Gemot : a court. The witenagemot; the assembly of the wise; the great court of the Anglo-Saxon and early Norman period. Afterwards called the Magnum Concilium, sometimes, the King's Court. See Schmid's Gesetze, Glossary, Gemot.
Gilda, Gildatio : tax; money dues.
Grithbreche : breach of the peace.
Guagium : a pledge.
Gwerra : war.

Halimotus : hallmoot; hustings.
Hamsocna : house-breaking.
Harieta : a heriot. Ang.-Sax. heregeat.
Haunfare : house-breaking.
Herberia : a harbouring.
Hida : a hide of land, the quantity varying until temp. Hen. II., when it amounted to 100 acres (Stubbs).
Homagium : homage.
Hordarius : one who has charge of the granary.
Hundred : a division of the county, consisting of several townships; the hundred court.

Inbreviare : to register or name in a writ.
Infangennetheof : the right to take a thief within one's manor, and have his goods.
Inquisitio : the mode of trial introduced by the Normans; evidence by impartial men summoned and examined by virtue of a writ. See Introduction.
Invadiare : to mortgage or pledge.
Ire cum terra : equivalent to *ire et vendere terram.* Often connected with commendation. See the Introduction, *sub fin.*

Judicium : in technical language, the ordeal; sometimes the duel.
Justicia, Justiciarius : a justiciar or judge.

Katalla : chattels.

Læsio majestatis : treason to the king; lese-majesty.
Laga : law.
Lagemannus : a lawman; a person

possessing jurisdiction or qualified to exercise it (Stubbs).

Laicus: a layman.

Lestagium: custom exacted on a ship's lading.

Leuga: a measure of 1500 paces; later a league (Stubbs).

Libra: a pound.

Librata: land of the annual value of a pound.

Loquela: a complaint; a suit (p. 260).

Magnum Concilium: the Great Council, corresponding to the Anglo-Saxon Witenagemot, and sometimes still called by that name. See the Introduction.

Mancusa: an ideal coin, generally valued at 30 pence.

Maneia: hand.

Mansio: a manor (Doomsday); a dwelling-house.

Manutenere: to maintain.

Marca: a mark; when of silver worth 13*s.* 4*d.*; when of gold, £6.

Marescallus: master of the horse; also a marshal.

Maritagium: the right of giving in marriage; also the portion accompanying.

Miles: a knight; a warrior (generally in the former sense from the 12th century).

Militulus: a little knight or knightling (used in derision, p. 177).

Misericordia: an amercement.

Molendinarius: a miller.

Molendinum, Molinum: a mill.

Ordalium: the ordeal or judgment by hot or cold water, by hot iron, or by the morsel (for the clergy). It always appears as the judgment of God, rather than as an ordinary judgment of court; in which respect it was like the duel. See further Schmid's Gesetze, Glossary, Ordal; and see the Introduction to this book.

Palefridus: a palfrey.

Parochia: parish.

Pasnagium: pannage; the privilege of mast for hogs in the forests.

Passagium: a voyage; a tax on passengers.

Perquisitiones: property acquired otherwise than by money-purchase or descent. See Emptiones.

Pincerna: a cup-bearer or butler.

Placitare: to plead.

Placitor: a pleader; a party (p. 132).

Placitum: a plea; a trial.

Plegiare: to pledge.

Plegius: a pledge.

Pontagium: bridge-toll.

Portare judicium: to undergo the ordeal.

Portmannimot: a town court.

Præpositus: an officer of justice; a reeve.

Presbyter: a priest.

Purprestura: a purpresture; an encroachment upon the king's domain or highway; a public nuisance.

Quietus: quit; discharged. Quietus clamare, to quit-claim.

Recognitio: a recognition or inquisition; also an acknowledgment.

Rectitudines: legal rights. Facere rectitudinem, to do one's duty.

Requisitiones: services.

Resaisiare, Resaisire: to give seisin again.

Respectus: respite; continuation of a case.

Revocare: to claim or counter-claim.

Runcinus: a pack-horse.

Saca, Sacha: jurisdiction in litigation.

Saisiare, Saisire: to give seisin; to seise.

Scaccarium: the Exchequer. See the Introduction.

Scira, Scyra, Sira: a shire; a county.

Scotta: tax; money. Ang.-Sax. sceatta, penny.

Selda: a shed for merchandise.

Senescallus: a steward.

Set: for sed.

Sira: a shire; a county.

Soca, Socca, Socna, Soka: jurisdiction; the territory embraced by a franchise.

Socagium: socage; tenure by fixed service.

Socmannus: a sokeman; a man who has to pay suit to a soken; hence a tenant in socage (Stubbs). See Spelman's Glossary and Schmid's Gesetze, Gloss., *sub voce.*

Solidus: a shilling.

Sopa: a shop.

Stalagium: a stall in a market.

Stalre: a master of the horse.

Subcommendare: to commend oneself to a person who has himself been commended to a superior. As to the meaning of commendation, see Commendare.

Subregulus: an under-king or ealdorman; the term indicating the sinking of the king of a nation into a position subordinate to that of the king of a superior power. "The Hwiccian kings . . . . were under the protection of the Mercian kings until they sank into the rank of ealdormen." 1 Stubbs, Const. Hist. 171, note.

Summagium: a team of beasts of burden.

Tamnus: a theyn.

Team, Theam, Them, Theim: voucher to warrant.

Teignus, Teinus: a theyn.

Telonium, Theloneum, Thol, Tol, Toll, Toloneum: duty on imports.

Tenatura: tenure; holding.

Theinland: theyn-land; lands held by theyns from the king for military service; also bookland (bocland, *supra*) held by theyns. Allen, Royal Prerog. 143.

Thol: see Telonium.

Tol, Toll: see Telonium.

Tortura: a wrong. Modern Eng. law "tort."

Treding, Trithing: division of the county above the hundred. A term used in the North of England; the county being divided into *three* parts, each a treding, trithing, or riding.

Utlagatus: an outlaw.

Vades, Vadimonium, Vadium: a pledge or mortgage.

Vadimonizare: to pledge or mortgage.

Varasor: an inferior baron; a vassal holding of a baron (Stubbs).

Vicecomes: a sheriff.

Vicecomitatus: a county in charge of a sheriff.

Vicus: a hamlet or wick.

Virgata: a yardland, the amount varying from eighteen to sixty acres (1 Ellis, Introd. 155).

Vocatio: a summons.

Wapentac: a division of the county in the North of England, answering to the hundred.

Warec, Werec: wreck.

Werra: war.

Wista: a half-hide or half-carucate of land (Spelman).

Witenagemot: the assembly of the wise; the great court for legislative and (to some extent) for judicial purposes among the Anglo-Saxons, corresponding to the Magnum Concilium (sometimes called the King's Court) of the Norman period. See the Introduction.

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